

1894-079
Lee Co.

Chancery Causes: Benjamin F. Sneed & vs. Jeff Pennington &

Folder 10/2

Sprinkle, Bolin, Henderson, Garrett, Crocket, Roop, Bowlin, Baumgardner,
Osborn, Woliver, Newberry, Graham, Lanningham, West, Blankenship,
Fleenor, Spurrier, Harris, Poteet, Stewart, Miles, Bolen, Osborne,
Martin, Byington, Lanningham, Henderson

2 Plats

CA - Other

T. Government
Transportation

- Correspondence

Additional Information:

Attempt to stop
road construction

* John Lumsden Barry H. B. G. Graham Frank Lumsden
Peter West Samuel H. B. George W. Blandenship Elsie H.
Sprinkle Joseph D. Kleener, Solomon Spruier Joseph Harris
Cowan Kleener Daniel Baymire James W. Catlett Elkanah Stewart
Wm S. Wadsworth all roads over

To the Hon. H. D. K. Morrison
Judge of the Circuit Court
of Lee County Virginia
Your Orators Benj. H. Innes
R. B. Sprinkle Harvey Sprinkle
S. H. Bowlin Samuel Henderson
John Innes M. V. Garrett, M. H.
Crockett, L. C. Roop, J. W. Bolen
Silas Baumgardner, James
Baumgardner, Job. Osborne
James Osborne and Isaac Hol-
iver ^{and Overseers} all Citizens tax payers
and road hands in said
County. Who Humbly Com-
plain, would respectfully
represent, That the County
Court of Lee County on its
own motion in 1889, made
an order to survey and view
a new road from Jonesville
in said County to the nearest
depot on the L. & R. R. near
E. M. Permynter's store. At
the time of making said order
there was no depot on said
rail road in that vicinity but
it was supposed there would be
one near the point designated.
Subsequent orders and sur-
veys were made by said
Court, to a point now
known as Occoneta or Cranks

Some $3\frac{1}{2}$ miles west from E. W. Pennington's store.

Recently the Court appointed Commissioners to ascertain the cost of Construction and right of way and ascertained the same to be \$1200. for Construction and \$585.⁰⁰ for right of way.

These items of expenditure were submitted to the board of Supervisors of the County under Sec. 956. of the Code 1887.

Said Board on the day of Oct-1893, met in a called meeting, to consider the matter and there were present four out of the five, two voted for and two against the appropriation of the item of \$585.⁰⁰ and all voted against the \$1200.⁰⁰ item.

When the vote was taken it was not recorded or the vote taken by a recorded vote, the board adjourned and went away when after several days, the Clerk thereof wrote out a paper, and certified that the vote was taken by a recorded vote, and subsequent thereto the Clerk entered this paper by copying the same on the order book of the board of Supervisors. The Commonwealth was not

Sec. 836

present at this meeting, nor had
he any notice of it. Whatever

They allege that said vote was
not by a recorded vote, and that
the Atty for the Commonwealth
was not present. And they are
advised that these facts render the
action of said Board illegal &
null & void.

By the acts of assembly 1891, 1892
P. 883, Sect. 21 that by law the
road board of the magisterial
district alone has power to
alter or change an old or
existing road. While the County
Court has jurisdiction over new
roads.

Your orators allege that at the
time of making said orders
recorders and surveys and for many
years prior thereto, and now there
is a road from Jonesville to
Ocooneta, and that the orders
in said Cause establishes $2\frac{1}{4}$ miles
of this old road on the south end
and $\frac{1}{2}$ mile on the north end as
and for this so called new road
so that they allege the change is
only an alteration in an old or
existing road and is not a
new road; and they are ad-
vised the County Court has no juris-
diction over the same.

various proceedings have been had, including one appeal to the Circuit Court, on that appeal, the action of the County Court was reversed, and the order made therein ordering the work to proceed and assigning hands to open the same was annulled and set aside. This order was entered late on Saturday evening in the closing moments of the Circuit Court. On Monday following County Court met, and this Road matter was placed upon the County docket and called and determined in advance of all other matters although there were several felony cases on the docket. On the appeal the bill of exceptions recited that Jeff Permington and others were the applicants, and the Bill was signed that way, on the first day of Court about alluded to the Court struck out Permington name and entered in the order that it was upon the motion of the Court alone. During all this time, the application for opening the road was resisted and Counsel appeared for the road as well as against it, and when the Court assumed

the responsibility, your orators requested the Court to require Counsel to disclose their Client or else desist from opposition, but - no exception was taken to this -

Your orators made several motions in the Cause later in the term and they being overruled took Bills of exception all of which more fully appears by said record a copy of which will in due time be filed if required.

On the overruling of said motions your orators by Counsel offered to execute bond and asked a suspension of the order hereinafter mentioned but the Court refused to take such bond or suspend - They then took an appeal of right, as they are advised they by Law could do, and again offered to execute bond on which they are advised said appeal would operate as a supersedeas, but the Court refused to fix any penalty for said bond or suspend its orders, or recognize said appeal as a suspension -

The order referred to above and first made in said Cause directed the work to proceed on the order of the Board of

Elizabeth Sprinkle Joseph D. Hauer
Solomon D. Hauer Joseph H. Hauer
Hauer Daniel By Hauer James H. Hauer
Calkhoun Stewart W. S. Martin

of Supervisors, and appointed C. C. Blankenship, M. C. Miley and Jeff. Remington, Superintendents, to open said road, and assigned to them several overseers of road and their list of hand- your craters L. C. Loope and S. K. Bowlin ^{John Huestonberry N. B. Grapage Frank Hume and Paul Peter West} and two of such overseers, and your craters are mostly their hand and are embraced to do said labor.

No rule or other proceeding was issued against them, but order was made absolute, and some of them on hearing of it appeared and offered to appeal from said order but was resisted as aforesaid.

Your orators are advised that as said application was made and the order entered on the motion of the Court, and the motion for said road pressed by Counsel who refused to disclose their client, the inference is that they represented the views of the Court and that no matter what power the Court may have on its own motion to make surveys and order repairs, when the matter become a litigated question the Court can no longer act to try it on motion and its act are in law void.

They are advised that the Constitution

of this state and of the United States
forbid that a man shall be con-
demned or fined until he has a day
in Court, and that the law if there
be such an one, allowing a court
to require of them five days work
without an opportunity to be heard
in Court, such a law is against
the letter & spirit of the Constitution
and is void.

Your orators would further state
that anticipating that they would be
required to work the five days
before they could get a subpoena-
deas, heretofore applied to your
Honor for an injunction, and obtained
an opinion in writing from your
Honor, which accompanies this bill
and that they presented to the County
Court before the order the past
term had been finally signed
and again offered to give any
bond required and prefer their ap-
peal as a matter of right un-
der the written opinion aforesaid.

But the Judge of the Court refused to
fix a penalty, suspended said order
to have anything further to do with
it.

The said Superintendent here
upon moved the hands and the overseers
and are to begin work Tuesday

Dec. 5th, and your craters again
allege that this refusal to grant them
the ordinary suspension or appeal
whether so intended or not, has the
effect to force them to do this work
now at a most inclement season
before they can by law release
themselves - They are advised that
they have no adequate remedy at
law which they said County Court
will respect and unless your Honor
shall interfere by way of injunction
even your craters and many others
who would join in this application
were they present, will have to
work the fine days so put upon
them without the lawful establish-
ment of said road or its proper
assigning of your craters thereto -

They are not advised of any other
remedy than the one suggested by the
written opinion before alluded to
and owing to the fact that the County
Court refuses to take bond so they
can perfect their appeal, that
failure to stop said work, which
when done will render their
appeal of no avail -

The object of this bill there-
fore is to have said Superintendent
out of office and inhibited until
the future order of this Court

1894 pt of Jan'y Rules Bill
 filed Spa 2d 1894
 2d Jan'y Rules Bill
 Cause set for hearing
 by plffs

Plffs recover
 C 7.21
 - 8 1.50
 W 15.00
 do C 25-
 \$ 3.96

Buy. Ined dal

Bill Chf

Goff. Remington & Co

Instruction granted pursuant
 to the map of the bill
 imposing the defendants
 from proceeding to work or
 work the placelists upon
 the proposed road until the
 future order of the court
 But this instruction will
 only become operative
 upon the plffs or some
 one for them as electing
 before the clerk of the
 court beed with approval
 recently in the penalty of
 \$1000.00 could be made as the
 law directs. H. H. Morrison
 To the clerk of - Dec 5 1893
 the circuit court
 of the court

1894 1st Jan'y Rules
 Bill filed Spa
 Exd. & O. W. S. i
 " 2nd Jan'y Rules court
 " 1st drafts filed
 Cause docketed

1 remedy of any proper person is at Law
2 by Writ of Prohibition

3
4 4th. If the County Court improperly refused to
5 grant a suspending order, or to fix the penalty
6 of a bond, or to do any thing else that said
7 Court should have done, the remedy of
8 the complainants was at law by application
9 for a writ of Mandamus, ~~or Supplicatio~~. See 3 A.
10 313; 11 A. 292

11 5th. Because complainants' bill is not sworn
12 to as is required by Code 1887, Sec. 3440 and
13 because no copy of the road proceedings is filed with the bill.

14 6th. Because it appears that complainants were
15 not parties to the road ^{proceeding} ~~controversy~~ and persons
16 in interest before ^{or at the time} the road was established
17 or at any other time, and can not now
18 come in and make themselves parties to a proceeding
19 collateral to the establishment ^{and set aside the order establishing the same.} of said road. See
20 1 HVM 403, 5; 20 A 484-4519; 77 V 678; 78 V 730;

21 7th. The complainants either had or now have their
22 remedy at Law and the bill shows on its face that the
23 road is a new one.

24 But, should any further answer be necessary,
25 answering, say, that it is true that they were appointed
26 Superintendents to open and make the roads named;
27 that the respondent Jefferson Cunningham has com-
28 pleted about ^{or has about 1/2 mile to make} 1/2 mile of his work; that C.
29 C. Blankenship has completed about ¹ yards
30 of his work; that M. C. Miles was only getting
31 ready to work when enjoined; that they were
32 acting in obedience to an order of the County
Court of Lee County; that they are now acting

3
1 in obedience to your honor's injunction;
2 that your respondents are advised that the
3 action of the board of Supervisors complained
4 of by complainants is a legal one and
5 they think that it will so appear from an
6 attested copy of their order here marked "A. 1;"
7 that it is not true that the items of \$1200- and
8 \$585- were submitted to the Board of Supervisors
9 by the County Court, but it is true that the
10 items of \$400- and \$585- were so submitted;
11 that it is true that it is the duty of the Attorney
12 for the Commonwealth to represent the County before
13 the board of Supervisors, but they are advised
14 that when the said Attorney for the Commonwealth
15 fails to discharge his duty that persons injured
16 thereby have a right of action upon his
17 official bond, and that such failure
18 does not render the action of the Board of
19 Supervisors either void or voidable; that
20 the said Board did not act without
21 counsel, but that the levy here complained
22 of was bitterly opposed by one of the
23 Attorneys for Complainants, to-wit:
24 A. L. Pridemore; that complainants had their
25 right of appeal from the action of said
26 board and that they failed to avail
27 themselves thereof within the time prescribed
28 by law. In books 1887, Sec 841. Also see
29 copy order of Sept. 22- 1893 & July 22- 1893 marked
30 "A 2."

31 Your respondents further say that
32 the proposed road is in their opinion

4 ⁷ 1 a mud wagon road for the reasons that
2 it does not change any existing road;
3 that because it adopts a portion of an
4 existing road does not make an
5 alterations in a road; that it is not
6 true that there is any direct road from
7 Jonesville to Occoonta; that the road referred
8 to by complainants to Occoonta from Jonesville
9 is of unnecessary length for a great portion
10 of the public, yet it is necessary and
11 is needed by other portions of the
12 public and its existence does not
13 obviate the necessity of this new road,
14 the necessity of which has been well
15 reported by the viewers. In their report
16 "A 3"; that the existing road is one of bad grade;
17 that it is circuitous, while the new road is
18 direct; that the length of the new road is $5\frac{1}{4}$ ms;
19 that the length of the existing road is ~~from 7~~ ^{about}
20 ~~to 8~~ ms; that the greatest divergence between
21 the two is about $3\frac{1}{2}$ ms.

22 Respondents further state that this road case was
23 not taken up and considered in advance
24 of all other matters at the November Term of the
25 County Court, 1893, but that the same was
26 docketed on the 1st day of said term upon
27 the calling for motions and the order dis-
28 posing of the matter was entered on the 3rd
29 day of the term. See Affidavit of the
30 Judge marked "A 4"; that it is not true
31 that the County Court had counsel in the
32 case. Also see Affidavit of the Court

57

1 marked "A.A."

2 Respondents further state that it is not true as
3 they are informed that Complainants offered to
4 give any bond until after the November term,
5 1893, of the County Court had closed, so that
6 no bond could be legally taken and an ap-
7 peal properly matured. In Affidavit ^{of the Judge} of the
8 County Court marked "A.A." & order Nov. 22/93 "A.B."

9 Respondents further answering say that they
10 are advised that the Complainants have
11 made no good reason against the
12 establishment and construction of said
13 proposed road, nor do they show any
14 valid ^{or equitable} reason why they should not work
15 on it, such as that they are too remote,
16 or that they have worked 5 days on a
17 new road during the year; that if they
18 have any valid reason that their remedy
19 was at-law after being warned to work
20 and not in Chancery; that it will appear
21 from exhibit "A5" here filed that Complainants
22 come into this cause after the road was estab-
23 lished, and it will fully appear from the record
24 in the road case exhibited or proposed to be
25 exhibited with Complainants' bill that they
26 were not parties to the record and that they
27 had no interest therein and that for
28 these reasons their bill should be dissolved.

29 See 1 H. & M. 403-5; 20 A. 519 & 484; 77 D. 678; 78-730;
30 52 L 518 side page; 87-349; Minor Vol 4 part 1 p 958 top; A. 21, p 164.

31 These respondents now allege that the pro-
32 ceedings had in this road case are regular

6) 1 on if they are not, that the Complainants
2 have no rights in this case, nor to have said
3 proceedings corrected, a copy of which
4 proceedings are ~~here filed~~ ~~marked~~ ~~X~~
5 supposed to be filed with Complainants' bills.

6 Your Respondents further state that this proposed
7 new road is of an importance and a value
8 to the public that is hard to estimate, but
9 your respondents do say that they think
10 that they are very safe in estimating
11 that the public is damaged ~~Yen~~
12 \$allars per day by this suspension of
13 work on account of this bill of Injuna-
14 ction. Oconto is the nearest freight depot
15 to a large section of country, including Jousville,
16 and it is not probable that there will ever be
17 one near. In Statement of J. W. Lagston
18 marked "A 6." and Statement of J. A. Metcalf
19 Civil Eng's L. & N. R. R. marked "A 7"

20 Your Respondents further state that this road was
21 established without opposition. In copy of Order
22 marked "A 8," and your respondents allege that
23 these Complainants have no equitable ground
24 for enjoining its construction; that they have
25 not even sworn to the equities of their bill,
26 and are therefore not entitled to longer remain in this court,
27 troubling the public with their false clamoring.

28 In as much as your respondents have
29 been acting under an Order of the County
30 Court, in the construction of this road,
31 and are for that reason public servants,
32 they have deemed it their duty to answer

* Respondents now say that Joseph Harris, Wm S. Martin, Joseph D. Plummer, Henry B. Graham, Frank Lanningham No. 90, W. Blankenship are not plaintiffs in this suit & that their names have been used without their knowledge or consent. See §§ 28, 153 & case cited.

1 answered the complainants bill fully, and
2 to thereby vindicate an important
3 public interest, but they allege that
4 they are not liable for any costs
5 nor does the complainants bill pray for
6 costs against them.

7 Your respondents now state that ^{the} complainants
8 charge that the County Court is unduly in-
9 trusted and is not competent for that reason
10 to act in the case. This charge is untrue,
11 and is an unjust thrust at the County
12 Court. See exhibit "A. A." in A. C. p 139; G. 10, p 12.
13 * Now it will appear from the records of the road case
14 that complainants did not appeal of right but
15 elected to tender their bills of exception which
16 were signed by the Court, and then respondents
17 are advised that after they had so elected
18 that they were bound by their election,
19 and that they were no longer entitled to
20 an appeal of right; and your re-
21 spondents are also advised that they
22 having selected and accepted the rem-
23 edy by way of writ of Superaddas by
24 accepting and asking for their
25 bills of exceptions which were signed
26 and sealed by the Court that they
27 then had a pending remedy at
28 Law and are therefore not entitled
29 to relief in equity. See 1887 Sec. 3453 &
30 case cited. And now having fully answered
31 respondents ask &c as above stated & will
32 ever pray &c.

Wm A. Orr } P. 2
E. W. R. Ewing }

Affidavit on outside.

1 Virginia, Lee County to wit:

2 I James W. Orr a Commissioner in Chancery
3 of the Circuit Court of Lee County Va, do certify
4 that M. L. Miles and Jeff Remington this day
5 personally appeared before me in my said
6 County and made oath that the facts stated in
7 the foregoing answer so far as they depend
8 on their own knowledge are true, and so
9 far as they depend upon information derived
10 from others they believe them to be true.

11 Given under my hand this the 9th day of
12 December 1893. James W. Orr, Comm.
13 in Chancery.
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Jeff Remington et al

Ans.

Bent. Answer et al

Exhibits filed.

Jeff Cunningham et al
ads } Ans. & Demr.

Benj. Lund et al

Filed December the 12th 1893
A B Munsyck

Wm A. Orr } Atty.
E. W. R. Ewing }

Benj. Sneed et al Plff

against

Jeff Pennington et al Defs

} Luchy

It being suggested that since the institution of this suit that M. H. Crockett has departed this life intestate & M. E. Crockett having qualified as his personal representative said cause is revived in her name & ordered to be proceeded with to final judgment & thereupon this cause came on again to be heard by the consent of said M. E. Crockett administratrix of M. H. Crockett deceased and on the Bill of the Plaintiffs taken for confessed as to C. C. Blankenship & on the general & special demurrer & joint Answer of Jefferson Pennington & M. E. Miles with further in said demurrer & replication as to said answer the affidavits filed by the Plaintiffs ^{& deponents of Blankenship} & Defendants, & was argued by counsel. And it appearing from the affidavits of Joseph Fleenor, Frank Lanningham, H. B. Graham, Joseph L. Harris, George M. Blankenship, ^{Isaac Wolliver} & Wm S. Martin that they had not authorized ^{the use of their names} as plaintiffs & the same had been entered as plaintiffs inadvertently their names & each of them are stricken out of

of said Bill as plaintiffs. On con-
 sideration of all which it is ad-
 judged, ordered & decreed that ^{said demurrer be they are executed} the
 injunction heretofore awarded in
 said cause be & the same is hereby
 perpetuated & made final & that
 the plaintiffs Benjamin F. Snea
 A.S. Sprinkle, S.H. Bowlin, Samuel
 Henderson, John Snea, M.V. Garrett,
 M.E. Crockett administrator of M.F.
 Crockett deceased, S.C. Roop, J.W. Bowlin
 Silas Baumgardner, James Baumgard-
 ner, Jobe Osborne, James Osborne,
 John Quesenberry, Peter West, Et al. &
 Sprinkle, Cowan Fleener, Daniel
 Byington, Solomon Spurrier, Jas W.
 Ostich & Hannah Stewart plaintiffs
 recover from the defendants Jeff
 Pennington, M.C. Miles & C.C. Blanken-
 ship the costs of this suit to be taxed
 by the clerk & no further action
 being necessary this cause is
 stricken from the docket.

Benf. F. Snea et al

vs } Decree final

Jeff Pennington et al

June 2. / 1894 -

Ent on Clk. Ord Book P37

Enter this
June 16 1894 -

Virginia

Circuit Court of Lee County in Vacation
at Gate City Va Decr 23rd 1893 upon notice to dissolve an
injunction in the case of

Benjamin Sued et als } In chg
vs
Jeff Pennington et als }

And the court not being advised takes time to consider until
1st Feb 1894

Feb 1st 1894 This cause came on this day
to be heard on the motion to dissolve
the injunction heretofore granted in this an
notice duly served upon the bill deponent and
answer affidavits & exhibits filed & was
argued & counsel & it appearing proper
the motion to dissolve is overruled &
the injunction is continued until the
further order of the court.

To the Clk of the Circuit } H. K. Morrison
Court of Lee County Va }
Feb 1st 1894

B. Grand etals
vs Incher

Jeff Pennington etal

vacation leave

Feb 1st 1894.

Entered Chay order Book

P 553. Feb 14th 1894

AB Munsey clerk

The depositions of Joseph D. Flunor, H. B. Graham, George M. Blankenship, Frank Lammings and J. S. Martin

taken before me, A. B. Muncy, a Commissioner in Chancery for the Circuit Court of Lu County, Va., pursuant to notice hereto attached and annexed at the Office of Com. A. Orr, in the town of Jonesville, Va., on the 8th day of May, 1894, between the hours of 9 A.M. and 4 P.M. to be read in evidence in behalf of the defendants, M. C. Miles, and Jeff Rummington, Superintendents & C., in a certain suit depending in the Circuit Court of Lu County, wherein Benj. Sneed et al are plaintiffs and M. C. Miles, Jeff Rummington et al, Superintendents of the Construction of the Jonesville and Cranter road are defendants.

Present: Com. A. Orr, atty for road.

Joseph D. Flunor a witness of lawful age, being duly sworn, deposes and says as follows:

What is your age, occupation, & was you an own-er of a road in Lu Co. Va. at the time this suit was

2

brought?

Ans

My age is 45 years my Occupation is a Farmer, and I was an overseer of the road at the time said Suit was brought.

2-

Was you then a and are you now a citizen of Lee Co. Va

Ans

I was then, and am still.

3

Have you seen the bill in this suit & if so does your name appear as a party plaintiff in said suit.

Ans

I have seen the bill. my name appears as a party plaintiff in said suit.

4

Did you authorize a suit brought by you and in your name, or did you authorize your name to be used in said suit for the purpose of preventing or hindering the construction of the road therein named.

Ans

I did not authorize my name signed or used for said purpose.

5

Was you then friendly and are you still friendly to construction of said road?

Ans.

I was, and am.

6-

~~What is your estimate of the damage to the public on account of the delay of the construction of said road since~~

Ans

~~since January 1893~~

And further this deponent saith not
Joseph D. Fleenor
Henry B Graham another witness of
lawful age deposes and says

My age is 40 years my occupation is that of
a Farmer. I was an overseer of the road at
the time said suit was brought. I have
seen the bill in said suit. I see my
name in the bill, I did not authorize
my name to be used in said bill as
a party plaintiff. I was and am friend
ly to the road.

And further this deponent saith not.
H. B. Graham,

George M Blankenship another witness
of lawful age deposes and says.

My age is 31 years my occupation is that
of a farmer, I was an overseer of the
road at the time said suit was brought
I have seen the bill in said suit. I see
that my name is used in said suit as
a party plaintiff, and the same was used
without my knowledge or consent
I was and am friendly to the road

And further this deponent saith not
George M. Blankenship.

Frank Landingham another witness of
lawful age deposes and says.

4
My age is 37 years. My Occupation is that of a farmer. I was an Overseer of the road at the time said suit was brought. I have seen the bill in this suit, and my name is used as a party plaintiff in this suit, and the same was used without my knowledge or consent.

I was, and am friendly to the road. I subscribed five days extra ^{work} to build said road, and if it had become necessary in order to complete said road would have worked 10 days more.

And further this deponent saith not.

Frank ^{his} Landingham _{mark}

W. S. Martin another witness of lawful age deposes and says,

My age is 24 years my Occupation a farmer. I was an Overseer of the road at the time said suit was brought. I have seen the bill in said suit, and my name is used as a party plaintiff without my knowledge or consent. And further this deponent saith not.

W. S. Martin.

The further taking of these Depositions is adjourned until to morrow morning nine o'clock

A B Munsey Comr.
In Chancery

5
May 9th 1894

The further Taking of these Depositions is
adjourned until to Morrow Morning 9 O'clock

A B Munsey Comr

In Chancery

Virginia, Lu County, to-wit:

I, A B Munsey, a Commissioner
in Chancery for the Circuit Court
of Lu County, Va, do hereby Certify
that the ^{following} depositions of Joseph D. Hemm,
H. B. Graham, George M. Blankenship,
Frank Lunningham and W^m Martin
were duly taken before me, and that
they were subscribed and sworn to
before, at the place and time,
and for the purposes mentioned
in the caption. Given under
my hand this the 9th day of
May, 1894.

A B Munsey Comr
in Chancery

Jonesville, Va. 1894.

(16), 2 (13) 3 4 (13) 5 (12)
To B.F. Sneed, P.S. Sprinkle, Harvey Sprinkle, S.H. Bolen, Samuel Henderson,
John Sneed, N.V. Garrett, M.H. Crockett, L.C. Roop, J.W. Bolen, Silas Baumgard-
ner, James Baumgardner, Job Osburn, James Osburn, Isaac Wooliver, John
Onesenburn, H.B. Graham, Frank Lanningham, Peter West, Geo. M. Blankenship,
Elisha F. Sprinkle, Jos. D. Fleenor, Daniel Byington, Jas. W. Poteet, Elkanah
Stewart, and William S. Martin:

You and each of you will please take notice that we will
proceed to take the depositions of H.C.T. Richmond, S.S. Surenner, Wm. A. Orr
H.B. Graham, Jos. D. Fleenor, and others at the office of William A. Orr in
Jonesville, Lee county, Va., on the 8th day of May, 1894, between the hours
of 9 A.M. and 4 P.M. of that day, which depositions when taken are to
be read as evidence in our behalf in a certain suit in Chancery now
pending in the Circuit court of Lee county, Va., wherein you are plaintiffs
and we et al. are defendants: and if from any cause the taking of the
said depositions be not begun on that day or be begun and not completed
on that day the taking of the same will be adjourned from day to day
and between the same hours, and from time to time and from place to place
until the same is fully completed.

Very respectfully,

M.C. Niles,

Jeff Pennington,

Supt., &c.

By

W. A. Orr,

E. W. R. Bwing,

Counsel.

X

Executed May 2, 94
by delivering a true
copy of the same to
Geo. W. Blount
Rep, Frank Loring
Home & E. F. Sprinkle,
+ by delivering a copy
of same to the
of Peter West, L. E.
Roope, & M. F. Garrett,
they each residing at
the house of said
+ being over 16 years
old & of legal age
to said woman, & by
lacking a copy of
from the said Geo.
Horris, same being
his usual place
of abode & he not
being at home.

C. E. Flanagan,
J. E. L.

H.B. Graham, Jos. D. Fleenor, and others,
at the office of William A. Orr

Do B. F. Reed, R. S. Sprinkle, Harry
Sprinkle, S. W. Bolen, Samuel
Henderson, Geo. Reed, M. V.
Garrett, M. W. Crockett, S. C.
Roope, J. W. Bolen, Elias Baum-
gardner, James Baumgardner, Job
Orsburn, James Orsburn, Isaac
Hooline, John Innesburg, H. B.
Graham, Frank Loringham,
Peter West, Geo. M. Blankenship, Elisha
A. Sprinkle, Jos. D. Fleenor, Solomon
Spurrion, Jos. Harris, Leason Fleenor,
Daniel Byington, Jos. W. Poter, El-
kanah Stewart, M. S. Martine:-

You and each of you will please
take notice that we will proceed to take
the depositions of H. C. S. Richmond, S. S.
Surgeon, William A. Orr[#], in Jonesville,
Va., on the 8th day of May, 1844, be-
tween the hrs. of 9 A.M. & 4 P.M. of
that day, which depositions when
taken are intended to be read as
evidence in our behalf in a certain
suit in Chancery now pending in the
Circuit Court of Lee County, Va., wherein
~~we are plaintiffs~~ you are plaine-
tiffs over, et al., are defendants
if from any cause the
taking of the said depositions

is not begun, or begun and not
completed on that day, the same
will be adjourned from day today,
and from time to time & from
place to place, & between the
same hours, until the same is
fully completed.

Very resp.,

M. C. Miles,
Jeff Pennington,
Supt., &c.

By
H. M. A. Orr,
E. W. R. Ewing,
Counsel.

B. F. Sneed et al.
vs. / Notice, &c.
Jeff Pennington et al.

This day W. E. Fleener
personally appeared
before me, A. B. Munnay,
Clerk of Cir. Court Lee
Co., Va., and made
oath that on 30th
day of April, 1894,
he delivered a true
copy of within to John
Osburn, & on some
day a copy of same
to the wife of James
Boringardner,
he bring from home,
his said wife being
over 16 years old, & he
told her the nature of
said notice. Given
under my hand this
May 7, 1894.
A. B. Munnay Clerk

To B. F. Lund, R. S. Sprinkle, Harvey Sprinkle, S. H. Bölin, Samuel
Henderson, John Lund, M. V. Garrett, M. H. Crockett, L. C.
Roop, J. W. Bölin, Silas Baumgardner, James Baum-
gardner, Job Osburn, James Osburn, Isaac Wadlin,
John Linsbury, H. B. Graham, Frank Lammington,
Peter West, George M. Blankenship, Elisha H. Sprinkle, Joseph
J. Fleener, Solomon Spruill, Joseph Harris, Corwin Fleener,
Daniel Byington, James L. Potent, Elkuah Stewart and
Wm L. Martin

Gentlemen:—

You and each of you will
please take notice that we will proceed to
take the depositions of H. C. Richmond, S. L.
Lingen, Wm A. Orr, H. B. Graham, Joseph
J. Fleener and others at the Office of Wm A.
Orr in Jourdville, Va on the 8th day of May, 1894,
between the hours of 9 A.M. and 4 P.M. of that
day, which depositions when taken are
intended to be read as evidence in our
behalf in a certain suit in Chancery now
pending in the Circuit Court of Lu County, Va
wherein you are plaintiffs and we et al
are defendants; and if from any cause
the taking of said depositions is ^{begun on and} not com-
pleted on that day the same will be ad-
journd from day to day and from time
to time at the same place and between the
same hours until the same is fully
Completed.

Respectfully,

M. C. Miles
Jeff Lammington
Supts &c.

By

E. D. R. Ewing & Atty
Wm A. Orr

Virginia: Lee County to-wit:

I, A. B. Munsey, Court in Chancery
do hereby certify that one A. Orr appeared before me in
my County and made oath that he delivered a copy of
the within notice to Elkanah Stewart, Wm. Martin, Jos. A.
Flunor, Leowen Flunor, John Zuerchburg, Isaac C. Wallin,
Samuel Byington, Sol. Spencer.
This May 8th 1894.

A B Munsey Clerk

Virginia, Lee County, To-wit:-

I, A. B. Munsey, Commissioner in Chancery,
do hereby certify that E. H. R. Ewing personally
appeared before me and made oath
that that on or before April 16th, '94,
he delivered a true copy of the within
notice to B. F. Vined, R. S. Sprinkle, S. H.
Bolen, Samuel Henderson, Geo. R. Reed,
J. M. Bolen, by delivering a copy to his
father, he being over 16 years old residing at
home of his son, This May 8th, 1894.

A B Munsey Clerk

Accepted-Service of
the within notice.
Apr - 1894.

add Notice

B. F. Vined et al

May 8 - 1894

Filed May the 11th 1894

A B Munsey
Clerk

Virginia Lee County to wit -
This day George W. Blankenship
personally appeared before me the
undersigned and made oath, that
on Monday Dec. 4th, about the
hour of ten in the morning that
acting as Counsel for the parties
named in the bill of which
this accompanies; that he pre-
sented the paper hereto attached
in its hand writing of Hon. H. S.
K. Morrison to Hon. J. W. Orr
Judge of the County Court, of Lee
County, at its Court House of
said County, and that at the time
of presenting the same, the orders
for said road case had not
been entered on the order book
or signed by the Judge. That he
offered under the direction of
the said Judge to have executed
for his Client any appeal bond
required in said road case known
as the Cranks or Ocoenota road -
and that he requested on the ex-
ecution of said bond a suspen-
sion of the work directed to be
done. That he was prepared for
his Client to have such bond ex-
ecuted. But the Court refused to sus-
pend the order directing the work to pro-
ceed & assigning hands thereon or

to direct bond to be taken or fix a
penalty herein or to have any-
thing whatever further to do with
the said road or to care-
given under my hand this
Dec. 4th 1893.
S. V. L. Richmond Clerk

Bery. F. Breed

J. Applegate

~~Self. Cunningham~~

Gentlemen

My impression is that there is an appeal of right in a road case & the appeal becomes operative when the appeal is perfected - i.e. when at the time at which it is decided, has entered upon the book that he appeals to & executes the bond required by the court - when that is done the case must be disposed of in the court appealed to before any action can be taken under the order of appeal from. To act, notwithstanding the pendency of an appeal which has been perfected as aforesaid under the order appealed from is a contempt & a rule will be awarded, or porters attached for contempt - All this doctrine you will see discussed in Powell on appeals proceedings & in the reports of our own courts - Robersons old practice & numerous authorities in all cases it is discussed in appeals from orders granting legation

licens

W L N Motion

Dec 2. 1893

If you want attachments
or rules for coarctated
copy of ord. ~~attaching~~
approl + giving of bond
+ proper affidavits

W L N M

Virginia, Lee County, to wit,

I, D.C. Sewell, do certify that on the 4th day of December 1893 Samuel Henderson made the affidavit before me appended to the Bill of Benj Smead et al against Jeff Pennington et al on the back of which there is an injunction granted by Judge, H.S. H. Morrison dated December 5th 1893; that said Bill is now before me & the affidavit thereto appended in the hand writing of A.L. Pridemore & signed "D.C. Sewell" was made before me as a Notary Public by Samuel Henderson; that I was then and am now a Notary Public for Lee County Virginia. I notice my signature is signed D.C. Sewell only, ~~It~~ should have been D.C. Sewell Notary Public, for in that capacity I acted. I did not notice the omission of it (Notary Public) until my attention was called to it this day. Given under my hand & seal this 22nd day of December 1893.

D.C. Sewell

Notary Public
for Lee Co., Va.

Seal

Benf. Smead et al
V. 3 Affidavit of
B. C. Sweet
Jeff. Pennington et al

1 Virginia, Lee County, to-wit:

2 We, the undersigned do hereby state and
3 certify that there is a bill of Injunction now
4 pending in the Circuit Court of Lee County
5 Va wherein Benj. F. Lund & others are plaintiffs
6 and Jeff Pennington & others are defendants,
7 the object of which is to enjoin the work
8 on the new road lately established from
9 Jonesville to Grants; And we also
10 certify that our names appear as
11 plaintiffs in said suit, ^{as owners} And that
12 our names have been used without
13 our knowledge or consent and
14 we hereby protest against such use
15 of our names. This December ~ 1893.

16
17 Joseph, L. Fleenor
18 Frank ^{his} X Lanningham
19 H. B. ^{mark} Graham,
20 Joseph L. Harris.
21

22
23 Subscribed & sworn to before me by Joseph L. Fleenor
24 Decr 9th 1893.

25 James W. Orr, ^{Compt}
in Chancery, Cir Ct, Lee Co.

26 Virginia, Lee County, to-wit:

27 I, J. V. F. Richmond, Clerk of the County
28 Court of Lee County do certify that Frank
29 Lanningham, H. B. Graham, Joseph L. Harris,

30
31 subscribed their names to the foregoing
32 writing and made oath that the same
is true.

1 Given under my hand this the 9th
2 day of December, 1893.
3 J. V. F. Richmond Clerk

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We think the road in question is one of
public necessity and that it should be
made. Dec. 9th 1893.

Joseph D. Fleenor

Joseph D. Flenor

et al

Official

Pro. "Out"

Jeff Pennington

ad} Filed in Aus

Buy: Sued et al

Virginia,

At a county court continued and held for Lee County
at the Court house thereof on Wednesday Nov 22nd 1893.

The matter of opening and constructing a new wagon
road, established on the 22nd day of July 1893, from
the foot of Chestnut Ridge to Crank's new Occoita.
Came on this day to be heard upon an order of the Circuit
Court of this County bearing date November 15th 1893,
remanding the case to this Court with instruction to
first dispose of the appeal from the action of the Board
of Supervisors of October 7th 1893 to this Court, before
disposing of the road case. And upon argument of
Counsel and upon due consideration the Court is of
opinion, and doth so adjudge that this Court has no
jurisdiction of said appeal and that the same should be
dismissed, because the appellant had no right to appeal
from the action of said Board, an appeal therefrom could
only be taken by the attorney for the Commonwealth either
on his own motion or at the instance of six free holders
of the County, see Section 841. Code of 1887, and when so
taken must have been, in this instance, to the Circuit Court.
See Sec 837. Code 1887. It is therefore ordered that said appeal
be dismissed. And it further appearing from the said
order of the Circuit Court that ^{the names of} Jefferson Pennington et al
have inadvertently and erroneously gotten into the record
in this case as applicants for said new road, when in fact
there never was an applicant or applicants for said road
but the proceedings have all been by the Court under
Section 945- Code 1887, it is therefore ordered that the name
of said Pennington et al as applicants be and are hereby
stricken from the record, and that the case be proceeded
with as a matter directed by this Court, under said Section.
And the Court being of opinion that the said new road
should be made and opened as soon as practicable as heretofore
established, and the Board of Supervisors of this County
at its meeting held the 7th day of October 1893, having

1 taken action upon the request of this Court to make an ex-
2 penditure for the purpose of making and opening the said
3 new road as established, July 22nd 1893, from the ^{foot} ~~top~~ of
4 Chestnut ridge to Frank's new Ocoonito, and to pay the
5 damages assessed to the land owners along said road,
6 and whereas two thirds of the members of said Board present
7 were not opposed to said expenditure and one half of said
8 members present were in fact in favor of the expenditure
9 of \$585-00, the amount necessary to pay the damages assessed
10 to said land owners, and ^{and said Board having certified their said action to this Court} so recorded their votes, and their
11 action being satisfactory to the Court, and the Court being
12 of opinion that the levy of \$585-00, will enable the Court
13 to open the road, together with other means and labor at
14 the Courts Command. It is therefore ordered that said road
15 be made and opened sixteen feet wide as heretofore estab-
16 lished, and that said sum of \$585-00 be paid to said land
17 owners in liquidation of the damages heretofore assessed
18 in their favor. And Pennington Bros and A. B. & H. McElroy
19 having bound themselves in writing to make so much of said
20 road as lies North of the top of Poor Valley ridge, it is
21 ordered that Jeff Pennington be and is hereby appointed
22 Superintendant of that part of the work; and that L. C.
23 Blankenship Sr. be and is hereby appointed Superintendant
24 of that part of the work from the ~~top~~ of Poor Valley ridge
25 Southward to Champ T. Hamilton's; and that M. C. Niles be
26 and is hereby appointed Superintendant of the remainder of
27 said work. And the following Overseers of roads with
28 their lists of hands are assigned to said Jeff Pennington, to
29 wit: John Thesenberry, Jeff Pennington, Benjamin Carroll
30 and George Barlow; and the following Overseers of roads
31 with their lists of hands are assigned to said Blankenship, to
32 wit: A. B. Graham, J. C. Orr Frank Lunningham, Peter

1 West, Samuel H. Balin, George M. Blankenship, Elisha Aspinckle
2 Joseph D. Fleenor, and Solomon Spurrier, and the following
3 Overseers of roads with their lists of hands are assigned
4 to said miles, to wit: - Joseph Harris, Calvin Fleenor, Daniel
5 Byington, L. C. Roof, James W. Poteet, Elkanah Stewart, Mr S
6 Martin, & M. C. Miles acting Overseer of the Jonesville precinct
7 of road. Each of said Overseers with their list of hands
8 to work not exceeding five days during the year on said road.

A Copy Gt to: S. V. Richmond Clerk

Janesville & Crank Road.

Order for Term 1893.

"A B"

Jeff Pennington & Co

ad2 } Filed in Ans

Buy: Druid & Co

Enter this Order

J. W. Orr

for 22nd 1893.

1 Virginia: At a meeting of the Board of Supervisors of
2 Lee County, at the Court House thereof, on Saturday
3 the 7th day of October, 1893. Present: H. L. Y.
4 Richmond, Chairman, John J. Hughes, J. D. Lurgens and
5 John W. Smith. The board having met for the
6 purpose, proceeded to determine by a recorded vote,
7 whether the expenditure asked for by the County Council of
8 this County to construct a mud wagon road from
9 the present road on the South side and at the
10 foot of Chestnut ridge to Cranks, now Occochee,
11 a Station on the S and A. R. R., is deemed proper.
12 And thereupon, A. L. Bridemore appeared and
13 contested the matter of making said expend-
14 iture and on a hearing and due Consideration,
15 H. L. Y. Richmond, and J. D. Lurgens voted in favor
16 of the expenditure of \$585⁰⁰, part of said sum
17 asked for being the amount sufficient to pay
18 the amount of damages allowed the
19 several land owners along the route
20 of said new road by said Council to be
21 paid when said road is made, and
22 John W. Smith and John J. Hughes voted
23 against said expenditure. Which said
24 action of the Board is ordered to be
25 certified to the said County Council
26 by the Clerk of this Board. And the
27 said Bridemore thereupon appealed
28 from the said action of this Board
29 to the County Court.

30 A copy. Test: - Jas. R. Gibson D. C. for
31 J. D. F. Richmond, Clerk
32 A copy. Test: - J. D. F. Richmond Clerk

Certificate of

Board Supervisors

"A1"

Jeff Pennington et al
ads } Filed in Aus

Buy. Fund et al

1) 1 Virginia.

2 At a County Court continued and held for
3 Lee County, at the Court house thereof on Saturday
4 the 22nd day of July, 1893.

5 The matter of the establishment and construction
6 of a wagon road from Jonesville to
7 some station on the Piedmont Rail Road came
8 on again to be further heard upon the
9 Report and Supplemental Report of J. A.
10 G. Lyatt, A. M. Jones and J. O. Gibson,
11 Viewers, filed May 6th, 1892, and May
12 17th 1893, respectively, and the plats and
13 diagrams "A" & "B" filed therewith, and the
14 evidence heard at the last term, and upon
15 the report of C. C. Blankenship, J. N. Giddins,
16 H. C. Joslyn, & E. L. Woodward, Commissioners,
17 filed July 4th 1893, and said reports be-
18 ing unexpected to and it appearing to
19 the Court from said reports, and the
20 evidence heard, that said road, if
21 established and made, will be a public
22 Convenience, and it further appearing
23 from said reports, and the evidence, that
24 the Elliott Survey is preferable to the Baker's
25 Survey as an entirety and that said
26 viewers have adopted the present road
27 from Jonesville to the point X on plat "A",
28 being a point in said road at or near
29 the foot of Chestnut ridge, and recommend
30 the construction of a new road from
31 this point to John Cunningham's near
32 Crank's Station on said Rail

2
1 Road, and then adopt the present road
2 from said Remington's a short distance,
3 to said Station. It is therefore consid-
4 ered by the Court that said proposed new
5 road be and is hereby established, thirty
6 feet wide, as located by said Viewers on
7 the Nichols Survey from the point X, in
8 said Survey, to the top of Chestnut ridge,
9 and thence with the Elliott Survey at
10 Station 12 on Poor Valley ridge, and thence
11 with the said Nichols Survey to John Rem-
12 ington's, and the said Reports, plates &c
13 of said Viewers and report of said Com-
14 missioners are, in this respect, and to
15 this extent confirmed; and the said
16 Report of L. C. Blankenship and others, Com-
17 missioners, is also confirmed in the
18 ascertainment and assessment of dam-
19 ages to the land owners along the
20 route hereby established. And the Court
21 being of opinion that by the use of a
22 reasonable amount of labor by owners
23 of roads and their hands, in the va-
24 cinity of said new road, that the amount
25 necessary to be expended, in money, by the
26 County, in completing the construction of the
27 same, can probably be reduced to \$12 ad⁰⁰
28 It is therefore further ordered, subject however
29 to the action of the Board of Supervisors of this
30 County, that the sum of \$12 ad⁰⁰, or so much
31 thereof as may be necessary, be expended in
32 making and opening said road, and

1 that the sum of \$585⁰⁰ be paid to the land
3 owners as reported by said Commissioners,
and that this sum be Certified to said
4 Board of Supervisors for their determination
5 as to the propriety of such expenditure. And
6 until the action of said Board in regard
7 thereto is Certified to this Court the cause is
8 continued.

9 A copy - Test. D. W. Richmond Clerk
Virginia:
10 In a County Court Continued and held
11 for Lee County, at the Court house thereof
12 on Friday the 22nd day of Sept 1893.
13 It appearing to the Court that Jeff Ben-
14 nington & other citizens of Poor Valley and
15 Sugar Run, in the vicinity of Grangers, near
16 Occoota, agree & propose to bind themselves
17 to build at their own expense so much
18 of the new road lately established across
19 Poor Valley Ridge to said Rail Road Station,
20 as lies north of the top of Poor Valley Ridge,
21 thereby reducing the amount necessary to be
22 expended by the County in making and
23 opening said new road to the ^{sum} of \$400⁰⁰.
24 It is therefore ordered that the Board
25 of Supervisors of this County be and are
26 hereby requested to again consider the
27 matter of making a ^{new} way for the purpose
28 of making said road south of the top
29 of said Ridge - and that they levy for
30 that purpose the sum of \$400⁰⁰, which
31 in the opinion of the Court will be
32 sufficient, after the use of so much

free labor as should be used in opening
said road. And it is ordered that
the Clerk of this Court notify the said
Board that they are requested to
meet at the Court house of said
County on the 25th day of September
1893, to consider this matter.

A Copy

A copy
Lester S. V. F. Richmond

Quenville Accounts
Paid

Copy Order of Court

48

Carol

11
A2

1

~~Board of Directors~~

Prof Penningsfoot-al

add Field in Aus.

Burg: David - al

1 Abstract copy of Vickers Report on Crankers Road
2 filed May 6th 1892 F x x x x

3 We have reported to your Honor that on this
4 route there would not be over $3\frac{1}{4}$ miles of new
5 road to construct, and that said John Pen-
6 ington had proposed to construct said
7 road from his house to the top of the
8 Paor Valley ridge which is 5400 ft. If said
9 Penington should construct said 5400 ft
10 of new road then there would only remain
11 to be constructed at public expense
12 the distance from the point of on said
13 flat to the top of Paor Valley ridge, a
14 distance of less than $2\frac{1}{4}$ miles. In our
15 opinion \$5000 would be a sufficient sum,
16 after procuring the right of way to construct
17 said road.

18 We would represent unto of our
19 Honor that there is not a road in the County
20 made as badly as this; there is not a road
21 in the County that would be of such general
22 convenience to the public as this; and we
23 therefore recommend that it be established.

24 Respectfully Submitted, May 1st 1892.

25 J. M. Jones }
26 J. A. F. Hyatt } Vickers
27 J. O. Gibson }

28 Abstract copy from report of Vickers on
29 recommendation filed May 17th 1893, Changing
30 location in part to Elliott Survey x x x

31 We here intimate all things necessary to
32 this report, stated in our former report;

1 and make it part of this report.

2 Respectfully Submitted

3 J. A. J. Hyatt } viewers
4 J. D. Gibson }
5 C. M. Goins }

6 Abstract Copies

7 Teste - S. V. F. Richmond clerk

Reports of Viewers

"A" 2

Jeff. Runnington et al

Ad. 2 } Felix in Out.

Bing: Lund et al

1 I James W Orr, Judge of the County Court of Lee County
2 Va, do solemnly swear, that at the November term 1893
3 of said Court, the matter of making and opening the new road
4 from Jonesville to Ocoanta was called up by Counsel
5 for the road, under the call by the Court for motions,
6 and was agreed to be heard and disposed of at some
7 convenient time; so as not to interfere with jury trials,
8 and on the 3rd day of the term, Nov 22nd 1893, the case
9 was argued by Counsel for and against the appeal
10 from the Board of Supervisors and for and against the
11 road, and the order bearing that date was entered, dis-
12 missing the appeal from the Board, directing the making
13 and opening the road, appointing Superintendants of the
14 work and assigning hands &c, and no exceptions nor
15 appeal was taken from said order. On a subsequent
16 day of the term, to wit, Nov 27th 1893, several persons
17 appeared in Court, by A L. Pridemore their Counsel, and made
18 three separate and distinct motions in regard to said road,
19 the objects of which are fully shown in the orders answering
20 said motions & the bills of exception taken, These motions
21 were argued by Counsel for the plaintiffs, and taken
22 under Consideration by the Court, and after Consideration
23 I, on the morning of the 30th of Nov met Genl Pridemore
24 on the street, and informed him I had disposed of the motions
25 and had ~~prepared~~^{an} order in each case, such as I thought I
26 ~~should~~^{ought to} enter, and asked him if we should go to the Court
27 house and dispose of them formally, and he replied it
28 was not necessary and looked at the orders accompanied
29 by the bills of exception, which he had handed me when
30 the motions were submitted & which I had signed, and
31 stated that they would have to ask me for a suspending
32 order until they could have the record copied, and I informed

1 him that I did not think the plaintiffs entitled to a
2 suspending order at this time and in the present attitude
3 of the case, and there was nothing more said on the
4 subject. I then took the orders to the clerk - told him to
5 enter them among the proceedings of the 27th 100, the day
6 the motions were made, and I heard nothing more of
7 the matter until on the 4th day of Decr 1893, Mr G. W.
8 Blankenship came to my office and said he had been
9 before Judge Morrison in the road case, and showed me
10 a written statement signed by Judge Morrison, which I
11 read, and Mr Blankenship then told me he, or they, wanted
12 to execute bond and wanted the record copied, I told him
13 I had disposed of the matter and the orders I supposed were
14 entered, and I supposed the clerk would copy anything he
15 wanted, and that I did not propose to have anything more
16 to do with it as Court had adjourned, and this was the
17 ^{first & only time that bond was proposed to be executed at that term of the Court in}
~~I have not had counsel in the said road case, and have~~
18 no more interest in the matter than other citizens
19 of the County, unless an anxiety to discharge my official
20 duties promptly, in regard to a matter of public importance
21 makes me more interested than others. So help me God

James W Orr

Sworn to before me Decr 8/93

D. J. F. Richmond Clerk

Judge J. V. Dorr

Applicant

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"A4"

"A4"

Jeff Remington et al

as Filed in Aus.

By: Fred et al

J. H. Belin, Sales Bureau order. Misses Cunningham,
Feb. 21st 1890, James O. Hughes, Fred. Kachner,
Samuel Underhamp. H. Crockett hands

This day came L. C. Roof, & S. J. Baker successors
of roads, and ^{by an order} assigned at a former day of
the present term, to work on a new road from
Jonesville to Covington, and moved the Court to
set aside the former order requiring them and others

But the Court being of opinion that no sufficient grounds were shown, ^{or proposed to be shown} for setting aside said former order, both overrule said motion. To which action of the Court the said persons excepted and tendered their bill of exceptions which was signed sealed and made a part of the record in the cause.

A copy sent - S. V. F. Richmond Clerk

Ch. B. Roop & als
Order to B.

"A 5"

Original

Jeff Pennington et al

ads } Filed in Ans

Buy: And et al

Berg. F. Snodgrass et al
against

Jeff. Pennington et al.

This is an injunction, to enjoin certain parties styled, road superintendents, from carrying out an order of the County Court, requiring some 200 Citizens ~~from~~ to assemble and by manual labor, open an alteration in an old road from Occusta, to Jonesville Va. - This can only be done in case of a new road per special road law for Va. Va.

The road required an appropriation of \$400 or more, to be made and therefore to be referred to the Board of Supervisors for appropriations. By the Code section, the Board must decide by a recorded vote, - This was not done, but the order was some two weeks ^{ago} written out on a large piece of paper. The order of the County Court was therefore a nullity and the road illegal -

For this and other causes, there was an appeal taken to the Circuit Court and the case reversed and sent back now at the Dec. Term of the County Court; that Court made an order again approving the action of the Board although the vote was never recorded and ordering the work to proceed.

And at the heel of the Term, the Court
entered up an order, assigning many
overseers, and their list of hands for
a distance of ten miles, will to pro-
ceed & open the road.

From this order, the Court would not
^{allow} any appeal, as of right to operate as
a supersedeas, and try the law case,
nor would he allow a bond to be
given and suspend this order for the
short-period of 5 days to get the
record made off. But the defend-
ents, had worked in part of the
hands assigned and they were actually
at work, and threatening to summon
all the men embraced in the order, to
open the road.

The Court thus endeavored to open a
road, not having the legal action of
the Board of Supervisors for the ap-
propriation. It refused to respect the
appeal, given as of right, to the defend-
ents, it sought by having the hands
put to work the day after the order was
made, to have the 5 days labor provided
for by law, worked out before a
copy of the record could be made
out & a supersedeas obtained.

It was to enforce this illegal order

Peffer.
Brief.

and act of oppression that the injunction was asked. And a motion was afterwards made to dissolve the same argued.

The Equitable Jurisdiction was the main ground of this motion, But the Court overruled the motion and nothing has been done in the case since.

Equity will relieve in such cases.

See Walter v. Shepherdson 60th, American Decisions 423,

Pallock v. Gilbert same book P. 732, is in point and shows clearly the equitable ground.

See American & English Encyclopedia
Title injunction Vol. 10.

But it will be observed that the County Court, assigned this large number of hands to work without, allowing them any compensation therefor, or having given them a day in Court, to show cause against such assignment, but advanced the remarkable proposition that these men so assigned and hearing of it by accident as it were, had no right to come into the case, assert their right or appeal, that their only mode was to disobey the order of the Court and refuse to work & then the Court would

issue the rule, but the party could not then show the illegality of the order, or the unlawful establishment of the road but only a personal excuse, such as that he had already worked 5 days on a new road or the like. The court could thus protect its power by cutting off any appeal.

The main grounds of the injunction, was the contesting of the order, which assigned the land without notice or compensation. The first was held to be without law & the court refusing to suspend or respect the appeal, there was no adequate remedy at law. The order was because the Constitution protects, the citizen and the public can no more take his labor than his property without a just compensation.

While the motion to dissolve, was pending before Hon. J. S. K. Thurman the Supreme Court of Appeals in a case that was taken up from Protatorston County decided the statute making such assignments as were unconstitutional and void. The case has not yet come out that I am aware of but it was reported in the papers and has been acted on by other Courts. That decided only this case, the injunction should be perpetuated and made final.

June 16th 1874 A. L. Pickens

1 To B. F. Sued, R. S. Sprinkle, Harvey Sprinkle, L. H. Bolin,
2 Samuel Henderson, John Sued, M. D. Garrett, M.
3 H. Crockett, L. C. Roop, J. W. Bolin, Silas Baum-
4 gardner, James Baumgardner, Job Osbourn,
5 James Osbourn, Isaac Goodwin, John Inman-
6 bury, H. B. Graham, Frank Lanningham,
7 Peter Vuest, George M. Blankenship, Elisha F. Sprinkle
8 Joseph D. Hunor, Solomon Spurrier, Joseph Harris,
9 Lewis Hunor, Daniel Byington, J. W. Pettit,
10 Elmah Stewart and W. J. Martin —

11 You and each of you will take notice that we
12 will move H. J. K. Morrison, Judge of the Circuit
13 Court of Lee County, Va, at his Office in Gate City,
14 Va, on Saturday the 23rd day of December, 1893,
15 to dissolve a bill of Injunction now pending
16 in said Court, wherein you are plaintiffs
17 and we are defendants — Upon
18 grounds and for reasons ^{at this} to be stated
19 to said Court; And we will also move
20 said Court at said time and place
21 to award a decree against you and
22 each of you for our costs in this case
23 expended, and for the damages
24 sustained by the Public by reason of said
25 Injunction.

26 Respy

27 M. C. Miles,
28 Jeff Remington By
29 Wm A. Orr } attys
30 E. W. R. Erving }

31
32 Over, for service & C.

1 The hereby accept legal service of the within
2 notice, and ask that the said Bill
3 & Injunction be dissolved at once,
4 for the reason that our names are
5 used as plaintiffs in said bill
6 without our knowledge or consent.
7 This Dec. 11th 1893.

8 Joseph L. Harris,
9 Frank Lammughan By
10 Wm A. Orr his Atty.
11 George M. Blankenship
12 Isaac Holmer
13 H. B. Graham
14 Joseph D. Flinn

15
16
17
18 The accept legal service of the within
19 notice. This December 11th 1893.

20
21
22
23 Virginia, Lee County, to-wit:-
24 J. James W. Orr a Commissioner in Chancery for the
25 Circuit Court of Lee County, Va do certify that Wm
26 A. Orr appeared before me in my County and made
27 oath that he delivered a copy of the within notice
28 to the wife of Solomon Apurris he not being at home
29 & explained the purport of it to her, and that he
30 delivered a copy of said notice to Peter West who
31 declared that he had not authorized the use of his
32 name in the said mentioned in said notice
& that he would have nothing to do with the case;
that on the 12th of December, 1893, he delivered a copy
each to Lemuel Flinn, John Smed, Ben F. Smed;

that on the 13th of Dec., 1893 he delivered a copy to
Elisha F. Sprinkle, Robert S. Sprinkle, Harry Sprinkle,
& a copy to the wife of John Laurence, explaining to her
the purport of the same, he not being at his usual
place of abode, & a copy to Silas Baumgardner,
James Baumgardner, Job Osbourn, James
Osbourn, Isaac Woolner, J. H. Bolin, J. W.
Bolin; that on the 14th day of December, 1893, he delivered
copies of this notice to Samuel Henderson, M. H. Crockett,
Wm. J. Martin & J. W. Pothol & that on said day
he handed a copy to the wife of L. C. Roof he not
being at home, & that he gave a copy to the
wife of Elkanah Stewart he not being at home,
& that he explained the purport of said notice
to the wife of the said Roof & to the wife of the
said Stewart; and that he posted a copy
of said notice on the door of the house of
Daniel Byington, he not being at home, nor
his wife or any member of his family
being at home; that the wives upon whom
this notice is served by him are over
16 years of age & that the same was fully
explained to each one of them, & their hus-
bands were not at their usual place of
abode. This December 15th 1893.

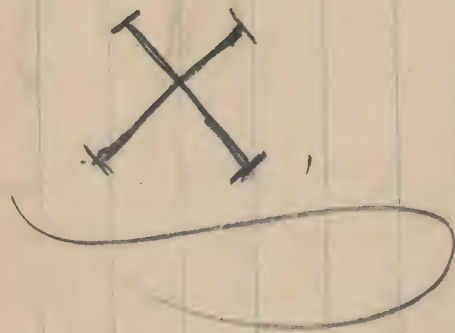
James W. Orr, Clerk in
Chancery.

Notice to Dissolve
Injunction

Burg: Innes et al
vs

Mr. C. Miles et al

Dec 23-1893.



Wm. A. Orr } attys
C. W. R. Ewing }

Jeff Pennington et al.

ads.

Benj. Sneed, et al.

This is a bill praying an injunction to prohibit superintendants appointed by and acting under an order from the county court of Lee county, from proceeding to open a road according to the directions of the said court.

Pursuant to notice (see X) the parties defendant desire to ask that the injunction granted in answer to the prayer of the bill on Dec. 5, 1893, be dissolved, because:

1st. a. Equity will not relieve where there is an adequate remedy at law; neglect on the part of interested parties does not bring them within the scope of equity. It is therefore submitted that the demurrer setup by the answer to the said bill is good, because sec. 841, Code '87, gives a remedy in such cases as this one. (See ans. 2nd.)

b. If county court had not jurisdiction, it is submitted that a remedy at law by writ of Prohibition was the correct procedure.

c. If the county court refused to do anything it should have done, the parties aggrieved had the effective writ of Mandamus.

3 Grat. 313, 11 Grat. 292.

2nd. As will be seen by sworn ^{depositions, now} statement, inside notice to dissolve (see X), a number of men who purport on the face of the bill to be complainants ask that this injunction be dissolved because their names are used without their knowledge or consent. But if this negligence, to say the least of it, in joining these parties is not good on demurrer, the fact not appearing on the face of the bill, it is submitted that the plea is good, and is fatal to the injunction.

28 Gratt. 153, and cases cited.

3rd. It is submitted that this court will not take judicial notice that just any man is authorized to administer an oath, but his official capacity must at least appear prima facie with his certificate. Code '87 sec. 3440 requires the court to be satisfied of the plaintiff's equity. S.A. Henderson attempted to make affidavit, but it is submitted that it is a failure. Then if this injunction was granted on the affidavit of G.W. Blankenship, surely the strong counter affidavit of Hon. Jas. W. Orr (see "AA", or "A4".) destroys all grounds at that point.

4th. But it is submitted that had the parties plaintiff been entitled to proceed in this case, that the reasons assigned in their bill for relief, either do not exist or are untenable.

a. They say that the action of the board of Supervisors pursuant to sec. 956 of the Code, is illegal because no recorded vote was taken. That the deputy Clerk of the county court, John R. Gibson, acting as Clerk to the board on that occasion, should certify that there was a recorded vote (see "A"), if in reality there was none, is a proposition that ~~needs~~ needs more than the mere averments of a bill to substantiate.

b. Equitable relief is asked at the hands of this court because the Commonwealth's attorney failed to do his duty. It is submitted that this attorney is a public officer, and that if he fails^e to discharge his duty, by reason of which failure the people are injured, they have their remedy on his official bond.

c. This court is asked to take cognizance of this case because the county court has used in the construction of this road a part of another road. You are told that this is an alteration in an old road, and that for this reason the county court had not jurisdiction. This cannot be, for if it were an alteration, some part of the road altered would be abandoned, and a new route obtained. But this is not the case. The old road is where it always has been so far as this new road is concerned, and it cannot with tenability be claimed that any change is made in the site of the old road whatever.

d. Next in order in the bill this court is asked to give relief, because some attorney refused to name his client. All that is submitted in answer to this is that the request was not made until the court had established the road, then some parties appeared by counsel and asked to be heard do and say certain thing which had no connection with the case at that stage, therefore there was no need for a disclosure of clients. See Code sec. 956. See "A5."

e. The complainants say that they took an appeal as of right, and they ask this court to so consider this case. Sec. 3453 of the Code 1887 says that appeals of this nature must be taken during the term at which the order is made of which the party complains. This the complainants did not do as will appear by the affidavit of the Judge of the court which

made the order of which these complainants complain. (See "AA"). Hence it is submitted that the prayer is a failure at this point.

The complainants say that the court cannot sit to try its own motions when they become litigated. It is submitted that there is no applicability of this allegation at this point because there was no litigation of this question at any time until the case was decided by the county court. All that was done was to investigate the propriety of the establishment of this road by the court. No one made any defence as might have been done. On the ^{22nd} day of July, '93, ^(see "A8") the court decided in favor of the establishment of the road, and in the process of investigation having ascertained that the cost of the same would be more than \$30 he certified the probable cost to the Supervisors as by law required. There was then nothing more left for the county court to do, sec. 956 of the Code says that unless two thirds of the board be against the establishment of the road, the county court shall order the order the road opened. At this point on the 27th day of Nov., 1893, we find other parties, who have never been known in the case before, asking to be heard. (see "A5".) To be a litigation in the sense here meant by the complainants there must be two parties, but there was but one, if indeed any at all, until after the court had disposed of the matter.

57 It is submitted that it is shown by the sworn answer and the exhibits filed therewith that this road is one of public importance, and that of more than ordinary importance, -and that the damage to the public is at least \$10.00 per day. If the court can treat the defendants as trustees for the county, it is insisted that a decree be rendered for damages at the rate of ten dollars per day, and that the injunction be dissolved with costs.

Wm A. Orr,

E. W. R. Ewing,

For Deft.

Jeff Pennington, et al.

vs. { Breffon Dept.

B. F. Sneed, et al.

I A.B. Mursey State that I was present
in October 1893 when the board of Supervisors
met and voted on the road from Jonesville
to Ocoonita there was four of the board
present to wit; H. L. T. Richmond, J. H. Smith
S. S. Surgenor and John T. Hughes

Surgenor and Richmond voted for the \$58800
right of way the other two voted against
it ~~but~~ at that time I think I noted it
down on a slip of paper and filed it with
the warrant Book but said paper was not
seen and inspected by the board or its Chair-
man, I have examined ^{that was presented to} a paper in the hand
writing of Wm A Orr dated Oct the 7th 1893
and on file with the law case of the road case
referred to and that paper was not made
out on the day of the meeting of the Supervisors
referred to and that ~~is~~ ^{is} not the paper made
out by me at the time above referred to

no was such paper made out so far as
any knowledge I have, I considered I was
acting as the Clerk of the board at that time
being requested to do so by the County Court Clerk

A.B. Mursey

Sworn to before me Dec 21/93
D. V. F. Richmond Sec

(25)
Know all Men by these Presents, That we *Benf Sneed, Jeremiah Daugherty, W. H. Burgin, Sam. Bolin & D. C. Sewell* are held and firmly bound unto the Commonwealth of Virginia, in the sum of *one Thousand* dollars, to the payment whereof, well and truly to be made to the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs, executors, and administrators, jointly and severally, firmly by these presents. And we hereby waive the benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to discharge any liability arising under this bond in any currency, funds, counter claims or offsets other than legal-tender currency of the United States. Sealed with our seals, and dated this *6th* day of *December* one thousand eight hundred and *Ninety three*

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas the above bound *Benf Sneed*

on *their* bill in Chancery against *M. C. Miles & C. C. Blankenship, & Jeff. Pennington, Superintendants of the Jonesville & Frank Road*

addressed to the Judge of the Circuit Court of the County of Lee, has obtained from the said Judge an injunction to injoin and restrain *The Defendants from proceeding to warn or work the Plaintiffs upon the proposed road*

until the future order of the said court; and whereas it is provided, by the order of the said Judge awarding the said injunction, that the plaintiff shall not have the benefit thereof until *they*, or some one for *them*, shall enter into a bond, with good security, in the clerk's office of the said court, payable to the Commonwealth of Virginia, in the penalty of *One Thousand* Dollars, and conditioned to pay all such costs as may be awarded against the said plaintiff, and all such damages as shall be incurred in case the said injunction be dissolved. Now, therefore, if the said *Benf Sneed et al* shall pay all such costs as may be awarded against, and all such damages as shall be incurred in case the said injunction be dissolved, then this obligation to be void, or else to remain in full force and virtue.

Executed in the presence of

Benf Sneed [SEAL.]
Jeremiah Daugherty [SEAL.]
James W. Poter [SEAL.]
L. C. Roof [SEAL.]
S. H. Bolin [SEAL.]
D. C. Sewell [SEAL.]

In the Clerk's Office of the Circuit Court of the County of Lee.

This day personally appeared before me A. B. MUNSEY, Clerk of the Circuit Court of the County of Lee, *The above obligors* and made oath that *their* estate, after the payment of all *their* just debts, and those for which *they* are bound as security for others, and expect to have to pay worth the sum of *Twenty thousand & six hundred* dollars, over and above all exemptions allowed by law.

Given under my hand this *6th* day of *December* 189*3*.

A copy Teste *J. A. G. Hyatt, D.* Clerk.
J. A. G. Hyatt & clk

Beng Smedetal

to {

INJUNCTION
BOND.

Commonwealth.

*Executed & filed
Decr. 6th 1893*

A. B. Munsey C

copy 30¢

Premington Gap, Va

Virginia

In County to wit:

I, Wm. Byatt, a Notary
Public in and for the County and
State aforesaid do hereby certify that
E. H. Premington this day personally
appeared before me in my County
aforesaid and made oath that
he was at the time the matter
of allowance by the Board of
Superior was being considered
by said Board in the case then
pending in the County Court of the
County for a new road from
Jonesville to Cranberry, Common-
wealths Attorney for the County;
that at the time said Board
certified an allowance for the
construction of said road he was
not present, nor did he know
or have any knowledge or notice
of the time and place of the
meeting of said Board.

Given under my hand this
the 23rd day of December 1893

Wm. Byatt
Notary Public.



"
H
"



Jonesville April 30 1891

To the Committee on Construction of a Highway to Connect Jonesville with
Crankes Station

Gentlemen

Under instructions from Mr. O'Brien, Chf. Engr. of the Cumberland Valley Branch of the L. & N. R.R., I have run a grade line between Crankes and Jonesville to indicate where a highway, connecting these two points, can be located and herewith enclose a sketch of the locality which may aid in explaining same.

The Jonesville end of this line is at the north boundary of Mr. Gredemur's Orchard at a point where his pipe line enters the same. Thence it runs northward with a level grade 1000 feet

" following the contours of the hill with a 2% descending grade to a crossing of the Town Branch near Mrs. Woodward's house	2500 "
" following present Highway with an average ascending grade of 2%	5750 "
" following the contours of the hills to a gap in Chestnut Ridge with an ascending grade of 7%	2300 "
" following the contours of the hill into Sugar Run with a descending grade of 7%	1500 "
" westward in Sugar Run with a level grade	900 "
" northward across " " " " 7% descending grade	500 "
" " " " " " level grade	500 "
" " " " " " an 8 3/4% descending grade	500 "
" following the contours of the hill northwesterly to a gap in Poor Valley Ridge with a 7% ascending grade	5600 "
" following the contours of the hill into Poor Valley with a 7% descending grade	5400 "
" Crossing the railroad at John Partridge's and following westward along same to Crankes Station Grounds (Depot)	1300 "

This makes a total length of 5 1/4 miles of which

3700 ft.	has a level grade
5750 "	" " 2% descending grade
2500 "	" " 2% descending "
7900 "	" " 7% ascending "
7400 "	" " 7% descending "
500 "	" " 8 3/4% ascending "

The 2% grade is hardly perceptible in a wagon road. The 7% grade is the same as a 4 degree grade which is a degree less than the limit fixed by law. The short piece of 5 degree or 8 3/4% grade, the limit fixed by law, was put in to avoid badly cutting up some cultivated fields, belonging, I believe, to Mr. Hamlin.

To take advantage of the full limit of the law and adopt a 5 degree grade would shorten the line very nearly 1300 ft. or a quarter of a mile. making the entire length almost exactly 5 miles. But it was thought the benefit gained there-by would be less than that derived from a lesser grade.

The grades are very much less than the average of your county roads as now existing.

I would advise changing the present highway to avoid the bad creek and hill near Mr. Sprinkles house.

The highway between John Pennington's and Cranks has already been constructed by the Railroad Co.. This leaves 20750 ft. of new road to be built. A part of this is easy of construction and will cost but little.

A rough estimate would put the material to be moved to make a 12 ft. roadbed on solid ground at 10000 Cub. Yds. This, with the gratuitous labor you ought receive from abutters and others interested, should be reduced at least one half and the remainder handled for 15¢ per yard or a total cost of \$7500⁰⁰ exclusive of right of way.

Blazed stakes are set every 100 ft. except in present highway to indicate where the grade strikes the ground. except in a very few cases where following the contours of the ground would make unsoundy grade in the road. At these points the stakes are marked with the cut or fill required at those points.

Respt Submitted L. A. Nichols

"A."

Michael Smith

of

W. T.



Field Notes of This Diagram.
 Beginning on Station 5 on Nickel's
 Survey on the North side of Chestnut
 Ridge. Thence N 58° 11' 1/2 poles to a chestnut
 N 55° 11' 1/2 poles to a Stake N 65° 11' 1/2 poles to a
 Stake N 64° 11' 1/2 poles to a Stake N 74° 11' 1/2 poles
 to a Stake S 53° 11' 1/2 poles to a Stake N 44° 11' 1/2
 6 1/2 poles to a Stake near the old Road.
 N 46° 11' 1/2 poles to a chestnut crossing the old
 Road N 71° 11' 1/2 poles to a Stake N 74° 11' 1/2
 6 poles to a Stake N 60° 11' 1/2 poles to a Stake
 N 63° 11' 1/2 poles to a Stake in the old road
 with the same N 20° 11' 1/2 poles N 31° 11' 1/2
 27 poles to a Stake opposite Hambling
 Hambling, turning down N 36° 11' 1/2
 11 1/2 poles to a Stake N 9° 11' 1/2 poles to a
 Stake inside of the Hambling field
 N 16° 11' 1/2 poles to a Stake passing the
 Hambling fence. N 58° 11' 1/2 poles
 to a Stake N 72° 11' 1/2 poles to a Stake
 N 77° 11' 1/2 poles to a Stake N 22° 11' 1/2
 poles to a branch thence leaving old

Road. S 49° 11' 1/2 poles to a Stake where old road S 72° 11' 1/2 poles to a Stake N 66° 11' 1/2 poles
 to a Stake N 57° 11' 1/2 poles to a Stake on Russell's land N 79° 11' 1/2 poles to a Stake
 N 36° 11' 1/2 poles to a Stake near a large Oak N 8° 11' 1/2 poles to a Stake N 38° 11' 1/2 poles
 to a Stake S 53° 11' 1/2 poles to a Stake N 74° 11' 1/2 poles to a Stake S 79° 11' 1/2 poles to a Stake N 38° 11' 1/2
 6 1/2 poles to a Stake on Hambling. S 75° 11' 1/2 poles to a Stake N 28° 11' 1/2 poles to a Stake N 16° 11' 1/2
 3 poles to a Stake N 25° 11' 1/2 poles to a Stake in Russell's field N 45° 11' 1/2 poles to
 to a Stake N 77° 11' 1/2 poles to a Stake S 71° 11' 1/2 poles to a Stake cut on the line N 74° 11' 1/2
 4 1/2 poles to a Stake N 38° 11' 1/2 poles to a Stake N 22° 11' 1/2 poles to a Stake N 46° 11' 1/2 poles to
 a Stake N 19° 11' 1/2 poles to a Stake N 64° 11' 1/2 poles to a Stake N 22° 11' 1/2 poles N 25° 11' 1/2 poles
 to a Stake in the woods N 9° 11' 1/2 poles N 53° 11' 1/2 poles N 68° 11' 1/2 poles N 41° 11' 1/2 poles
 N 30° 11' 1/2 poles N 33° 11' 1/2 poles N 21° 11' 1/2 poles to a Stake in a deep hollow

N 81 1/2 W 5 3/4 poles to a Stake N 7 1/2 W 1 1/2 poles to a Stake N 15 E 3 poles to a Stake
N 36 1/4 W 6 poles to a Stake N 31 1/2 W 11 poles to a Stake N 38 1/2 W 1 1/2 poles to a Stake
N 8 E 1 pole to a Stake and at this point S 35 E 11 poles to a Stake S 57 E 4 poles
to a Stake S 53 1/2 E 5 poles to a Stake S 54 E 5 poles to a Stake S 50 E 4 1/2 poles to
a Stake S 50 1/2 E 3 poles to a Stake S 73 1/2 E 11 3/4 poles to a Stake S 12 1/2 W 11 poles to
Stake S 71 1/2 E 11 poles to a Stake N 55 E 3 poles to a Stake N 91 E 3 poles to a Stake
S 60 E 11 1/2 poles to a Stake S 56 E 2 1/4 poles to Station 12+ on Nichols Survey
on the Poor Valley Ridge. Thence with this Survey 72 poles to the
Top of Bald Ridge, all of which is Respectfully Submitted
This the 15 day of Oct 1891.

W. L. Elliott Survey

W. L. Elliott, Jr.

2 days Surveying \$50.00

1 day Examining \$10.00

Went

W. L. Elliott

Surveyor

El.

Louisville & Nashville Railroad Co.

Office of Agent,

Station

189

We, the undersigned Citizens of Lee Co, Va., believing it to be to general interest; that the proposed road, leading from the Sugar Run road near Champ. Hambleen's dwelling house, previously surveyed to Occovita, Va. - a part of which having already been built by Jeff Pennington & others, agree to complete said road (or to pay amt. subscribed towards its completion) provided right-of-way is secured. Said road (if completed) is to become personal property and to belong to the parties so building the same, in proportion to the duration of each. The proposed road is to be made ^{on a grade} not to exceed 5 degrees and 12 ft. in width, widened at reasonable distances sufficient for the passage of teams.

Road is to be made within 80 days after meeting of stock-holders, which meeting is to take place at ~~Hambleen's~~ Va. on Sept 1st 94

The entire length of road is about 2 miles 1/2 mile of which is already built 16 ft. in

width the remaining 1 1/2 miles is to be made but 12 ft at present.

Subscriptions may be paid in labor at one dollar per day, in produce at market value, or in cash or supplies.

Names

Names

J. L. Landingham 25.00

J. Pennington 5.00

J. H. Henderson 4.00

J. A. Hyatt 2.50

J. M. Kershiff 1.00

J. W. B. 1.00

A. R. Hyatt 1.00

M. R. Snodgrass 1.00

D. H. Russell 5.00

C. P. 5.00

R. L. 20.00

25.50

Proposed Road
From
Occovita Va
To
Sugar Run, Va

Louisville & Nashville Railroad Company.
Cumberland Valley Division.
Office of Superintendent

Middlesborough, Ky. October 5th, 1893.

Mr. H. C. T. Richmond,

Ewing, Va.

Dear Sir:-

1752.

In order that you may thoroughly understand the conditions confronting Maj. O'Brien with reference to location of depot at Ben Hur, Cranks and Pennington, I attach hereto a pencil memo. showing that if Ben Hur could have been used a saving to this Company in the beginning would have amounted to \$6,650.00; to this add the saving of maintenance of water station at Pennington of approximately \$50.00 per month, and The expense of maintaining Cranks and Pennington (two stations) as against Ben Hur (one station), the interest on buildings, sidings, etc., as well as taxes on same. One stop at Ben Hur (if it had been possible) would have sufficed for two for freight trains and three for passenger trains as now in vogue; the depots would have been sufficiently near to each other then for all business now or that has been transacted at stations established and operated. The location of Ben Hur with reference to grades and curves was the objection that Maj. O'Brien as a practical builder and operator of railroads saw could never be overcome; situated about half way on a 7 mile hill with an average grade of 96 feet to the mile, between two ten degree curves, it was enough to convince him, or any other man of any experience in the service, that the cost would be immense, to say nothing of the great danger of attempting to operate such a station. Furthermore, no team in Lee County could to-day haul one thousand pounds from the main road near Mr. Snead's residence to Ben Hur, and I seriously doubt the possibility of the construction of a much better line than now exists. To this one must take into consideration the hill between Mr. Snead's and Jonesville. I understand this can be overcome by the proposed Cranks-Jonesville road. Maj. O'Brien was advised by what he considered a majority of the people doing business in Jonesville, and by the County officers that Cranks would be acceptable to them as the county seat depot; and acting on this he erected depot, sidings etc. to accomodate them there. The stop at Ben Hur for passengers can be accounted for as stated to you in person recently.

YOU CAN SAY TO THE COUNTY COMMISSIONERS THAT UNDER NO CIRCUMSTANCES WILL THIS COMPANY EVER OPEN FREIGHT STATION AT BEN HUR, and that it is quite probable that Ben Hur, if a change is not made from the present arrangement, will be discontinued as a passenger stop. By this I mean if the road is not constructed to some other point. Gen. Pridemore uses the location of Kelly View as an argument against

closing Ben Hur, but two wrongs does not make a right, besides Kelly View is not on so heavy a grade nor on such curves. We have had more trouble at Kelly View than at any other point on the line between Shawanee and Norton. In attempting to make a stop there when the road first opened, 14 cars were wrecked and serious loss resulted to this Company. In addition to this, derailments are frequent going in and out of there. We don't want any more Kelly View stations and will not have them. Against Ben Hur you can use Railroad Commissioner Hill, who was shown in person the situation and agreed that he could not conceive of a worse location. Gen. Pridemore attempted to force us to open Ben Hur, as I understand it, but struck a snag in the Commissioners; at least after Mr. Hill made an examination we heard no more from him.

Yours truly,

Enc.

Thos. Pridemore
Supt.

Against Ben Kerr

Nepton Sidings & Co. ^{Approximately} \$5500.
Jan 10 750
\$6250

The hill and curves make it impossible
to stop with any degree of safety
besides very costly.

For Ben Hur

Gravity & the Supply - Savings annually.	<u>6000</u>
Pinnings Pump & Coal House -	1100.00
" " " " " " " " " " " "	350.00
" " " " " " " " " " " "	7750.00
Cronks " " " " " " " " " " " "	2700.00
	<u>\$12900.00</u>

Lead Against Ben Hur	625000
In favor of Ben Hur	\$6650.00

To this should be added 8 or 10 millions
of one additional Station. Water Station 500.
per year. Cost maintenance one additional year.
And one additional stop for all trains

Lagston
Letter

46

Jeff Pennington et al
adrs Filed in Ans
Benj. Smed et al

Louisville & Nashville Railroad Company.
General Manager's Office, Louisville, Ky.

J. G. Metcalfe,
Gen'l. Manager.

July 17, 1893.

Wm. A. Orr, Esq.,

Attorney at Law, Jonesville, Va.

Dear Sir,-

Your letter of the 28th. ult. was duly received and
reply has been unavoidably delayed.

You are correct in your understanding that the L. & N.
Railroad Co. does not intend to establish a freight station at
Ben Hur. The management is of opinion that there is no
necessity for a freight station at this point, and the grade in
that vicinity is such that, for the purpose of operation, a
freight station at Ben Hur would be very objectionable.

Yours truly,

J. G. Metcalfe
General Manager

Copy

J.W.L.

J. W. Logsdon
Supt
Middleboro, Ky.

Jeff Pennington et al
 ads } Filled with Aus.
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Jonesville & Ocoona Road
Michael & Elliott's Survey

1 To the Hon. James H. Orr, Judge of the county
2 court for Lee County, Virginia:

3 The undersigned viewers, appointed at the
4 term of your honor's
5 court, 1890, for the purpose of viewing out
6 and reporting upon a route for a new
7 road from Jonesville to some station
8 on the Louisville and Nashville Rail-
9 road, ^{and to submit a report as requested} having finally completed their
10 view and determined upon a route,
11 beg leave to here respectfully submit
12 their report:—

13 We adopt the present county road,
14 as located and established, from the
15 courthouse up the Town branch to
16 the foot of the Chestnut ridge to a
17 point marked "X" on a plat herewith
18 filed marked "A"; from said point "X"
19 on said plat to John Pennington's we
20 recommend the establishment of a
21 new road on the following route: from
22 said point "X" with the contours of the hill
23 to a gap in Chestnut ridge with an
24 ascending grade of 7%, a distance of
25 2300 ft; Thence following the contours
26 of the hill into Sugar Run with a descen-
27 ding grade of 7%, a distance of 1500 ft;
28 Thence westward in Sugar Run with a
29 level grade, a distance of 900 ft; Thence
30 northward across Sugar Run with
31 a 7% descending grade, a distance of
32 500 ft; Thence northward across Sugar Run

1 with a level grade, a distance of 500 ft;
2 thence following the contours of the hill
3 northwesterly to a gap in Poor Valley
4 ridge with a 7% ascending grade, a
5 distance of 5600 ft; thence following the
6 contours of the hill into the Poor Valley
7 with a 7% descending grade for a dis-
8 tance of 5400 ft; thence crossing the rail-
9 road at John Pennington's and into the
10 present county road, which we adopt
11 from thence on to Crank station.

12 This route makes a total distance
13 of $5\frac{1}{4}$ miles between Jonesville and said
14 Crank station, and at no point is
15 grade greater than 5° and only that
16 great a degree for the short space of
17 500 ft. The total length of new road
18 to be built on this route is only $3\frac{1}{4}$ miles,
19 which is not more than one-half the
20 distance on any other route leading to
21 said station, and slightly over one-third
22 the distance between the courthouse and
23 the next nearest railroad station.

24 This route passes through no yards,
25 gardens, orchards, or any part thereof,
26 and said road, if established, would
27 be of great convenience not only to the
28 people living in and around Jones-
29 ville and vicinity and along its route
30 between Jonesville and said Crank
31 station, but to the people of the county
32 in general and those seeking ingress

1 and egress to and from the county seat
2 via the nearest railroad station.

3 We think this road a public necessity,
4 of convenience to the people of the whole
5 county, and should be constructed
6 at the expense of the county, and
7 that as soon as possible. A plat
8 of said route is herewith filed marked
9 "A" and prayed to be considered as
10 part of this report.

11 The following is a list of the names
12 of the land owners along the route from
13 the point "X" on said plat to Crank station:
14 Swan & Elabe Hamblin, Ambros Eagle,
15 Wright Stickley, Angeline Woodward,
16 Champ T. Hamblin, Geo. H. Russell,
17 and John Pennington. All of these
18 land owners require compensation
19 except John Pennington, who proposes
20 to construct said road, if established,
21 to the top of the Poor Valley ridge from
22 his house free of cost.

23 We are of opinion, and so report
24 to your honor, that said land owners
25 are entitled, as damages to their lands,
26 by reason of the construction of said
27 road, to the respective sums set opposite
28 their names:-

29	Swan & Elabe Hamblin,	\$15.
30	Ambros Eagle,	\$25.
31	Wright Stickley,	\$15.
32	Angeline Woodward,	\$25.

1 Champ T. Hamblin, \$300.

2 Geo. H. Russell, \$25.

3 We have reported to your
4 honor that on this route there would be
5 not over $3\frac{1}{4}$ miles of new road to con-
6 struct, and that said John Pennington
7 had proposed to construct said road
8 from his house to the top of the Poor Valley
9 ridge which is 5400 ft. If said Pen-
10 nington should construct said 5400 ft.
11 of new road then there would only remain
12 to be constructed at public expense the
13 distance from the point "X" on said plat
14 to the top of the Poor Valley ridge, or a
15 tance of less than $2\frac{1}{4}$ miles. In our
16 opinion \$500 would be a sufficient
17 sum, after procuring the right of way
18 to construct said road and put it
19 in good travelling condition.

20 We would represent unto your honor
21 that before coming to a final determination
22 upon the route as above reported, we
23 viewed other routes and had different
24 surveys made, but said route, as ~~above~~
25 reported, on account of its nearness,
26 superior grade, and cheapness of con-
27 struction is far commendable to any
28 of the other routes thus viewed by us.

29 There is not a road in the county
30 needed as badly as this; there is not
31 a road in the county that would be of
32 such general convenience to the

1 public as this, and we therefore res-
2 commend that it be established.

3 All of which is respectfully sub-
4 mitted, this May 1, 1892.

5 A. M. Gains,
6 J. H. G. G. G. } Viewers.
7 J. O. Gibson.
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Report of

J. A. G. Hyatt & Co.

Road Viewers.

Plat "A" Enclosed.

June 17, 1892

Mr. J. A. G. Hyatt & Co.

1892 Highway Land Owners

1893 Mr Land owners

Summ'd O.B. 548

1893 Mr. J. A. G. Hyatt & Co.

1893 Mr. J. A. G. Hyatt & Co.

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1893 Mr. J. A. G. Hyatt & Co.

1893 Mr. J. A. G. Hyatt & Co.

1893 Mr. J. A. G. Hyatt & Co.

Jeff Permington et al

v.

Chas J. Hamblin et al

(Application
for a
Road

But remembered upon the
calling of this cause the
applicant, moved the Court
to enter an order, to proceed
with the work, and to ap-
point superintendents, and
assign overseers with list
of hands to do the work.

Code 1887 Sec. 954.

To which motion R. S. Sprinkle
Benjamin Smed and A. L.
Parker appeared and re-
sisted said motion

1 Because the proposed road
was an alteration and change
in an old and existing
road and the Court had
no jurisdiction, to make said
change, and hence no power
to submit the question of
costs as provided by the General
Road Law. See act of 1891/1892
Page ~~54~~⁸⁸⁵⁻⁸⁸⁶ - Sec. 21

But the Court overruled the
objection and entered up the
following order. Virginia
Lee County" &c. (here insert the
last order).

To which action of the
Court the defendants to
said motion except and
pray that their exceptions to
be signed read and made
a part of the record which
is done.

James H. Orr. (JH)

Be it remembered upon the
calling of this Cause and
pending the objection to the
Court's action the pliffs to
maintain the motion upon
their part offered to read
to the Court the following
paper at a meeting &c
(Here insert the paper viz
John R. Gibson's hand write)

To the reading of which on the
contents thereof as spread
upon the order Book of the
Supervisors the defendant
to said motion objected

Because the same had been
made out by the said Gibson
acting as Deputy Clerk
after the Board had adj-
ourned & gone home and
the same had never been
seen or inspected by the said
Board or approved by them
and the same did not con-
tain the full order of the
Board a verbally announced
and had only been copied
on said order Book on the
morning of the day of trial
viz Oct 21 1893 - But the
Court over ruled the objection

and permit said paper to
be read and said record
to be considered by the
Court - after the Clerk had
stated that he entered said
order on the record from
the paper made out by
said Gibson his clerk,

So which action of the Court
the clerk was to read
motion except and pray
that these exceptions to be
signed read and made
a part of the record which
is done.

James W Orr (Clerk)

Bill Exceptions

Bill Exceptions

(1101)

On the ^{order} motion of the County
Court of Lee County to
establish a new road
from Jonesville in said
County, Occoveta in said
County

Be it remembered ^{that} upon the
~~calling of this cause, on the order~~
~~of the Circuit Court recommending the~~
~~same to this Court, the former ap-~~
~~pellant~~ A. R. Pickens, Benj. Sneed
and R. S. Sprinkle, moved the Court
to dismiss the cause & strike the case
from the docket ^{because} there was no
applicant for the same, but the order
was made upon the motion of the
Court, and because as they alleged
and offered to prove, that said pro-
posed new road is not a new
road but a change or alteration
in an old road now running
from Jonesville in Lee County to
Cranks, now Occoveta, and that said
Court did not have jurisdiction
of alterations in old roads - and
because the action of the Board of
Superior ~~and~~ appropriating
the sum of \$500 - ⁰⁰ on the former order
of this Court was illegal and void
But the Court overruled said
motion, and ~~would not have~~
~~the same,~~

To which action of the Court said former
appellants except and pray that
their exception to be signed sealed
and made a part of the record
which is done.

James H Orr. (209)

Bill of exceptions
no 1

Crunk's Road Case

Virginia.

All a County Court continued and held for
Lee County, at the Court house thereof on Tuesday
the 27th day of November 1893.

This day came A. L. Prossmore, Benj. Sneed, &
R. S. Sprinkle, who were appellants from an order of this
Court at its last term to the Circuit Court of this County
in the matter of making and opening a new road
lately established from Jonesville to Oronota, and
moved the Court to dismiss the proceedings in regard
to said road and strike the same from the docket,
because there was no applicant for said road,
the order for a review of the same having been
made by the Court; and because, as they alleged,
and offered to prove, the said new road is not a
new road but a change or alteration in an old one,
and because the action of the Board of Supervisors
appropriating the sum of \$585.00, on the former
order of this Court, was illegal and void, but
the Court overruled said motion, to which
action of the Court the said Prossmore,
Sneed & Sprinkle excepted and tendered
their bill of exception which was signed
and sealed by the Court and made a part
of the record in the cause.

And the said persons thereupon asked
a suspension of the matter ^{in regard to said road} until an
appeal is taken herefrom, but the Court
being of opinion that the said persons
are not entitled to said suspension refused
the same.

Page 10.

A. L. Bidemore et als

Order to L.

Crank's Road,

Enter this order.

Jas W Orr,
Nov 27/1893.

MO 2

On the order of the
County Court ex parte
To establish a new
road from Jonesville Va
To Cranks new Occochee

Be it re-
membered that on the calling of this
Cause, on motion to order the work
to proceed, based upon the order
of the Board of Supervisors in the
work & figures following to wit
("At a meeting" or) (here insert the order
acting on the County recommendation)
A. L. Pickensmore Burg. & Fred L. S.
Sprinkle, L. C. Loop & H. Berlin
John Sneed, John Sprinkle and
Harvey Sprinkle, ^{tax payers} of
this County, and Citizens of the
County, ^{at this day} moved the Court to allow
them to appear and contest the
order, ^{made on a former day of this term} approving of the expenditure
of \$585. by the County of Lee as
set out in said order; because
the same was not adopted by
said Board ^{of Supervisors of this County} by a recorded vote,
and because the County Court had
no jurisdiction of said Cause. But
the Court over ruled said motion
and refused to allow the said por-
ties to ^{repeal said order and contest the same.} be made defendants
or to submit said motion. To
which action of the Court the.

said persons excepted and prays
that their exceptions to be signed
sealed and made a part of the
record which is done.

James H Orr.

(Seal)

Bill of exceptions

No 2

Crunkley Road Case

Virginia,

At a County Court constituted and held for Lee County at the Court house thereof on Tuesday the 27th day of November 1898.

This day came A. L. Bridemore, Benj. Sneed, R. S. Sprinkle, L. S. Roach, S. H. Bolin, John Sneed, John Sprinkle & Lemmy Sprinkle, tax payers of this County and citizens of the County, and moved the Court to allow them to appear and contest the order, made on a former day of this term, approving of the expenditure of \$585.00, by the County of Lee, as set out in the order of the Board of Supervisors of this County, because the same was not adopted by said Board by a recorded vote, and because this Court had no jurisdiction of the matter. But the Court overruled said motion and refused to allow the said persons to reopen the matter contained in said order and contest the same. To which action of the Court the said persons excepted and tendered their bill of exceptions which was signed, sealed and made a part of the record in the cause. And thereupon the said persons ~~moved~~^{asked} the Court to suspend further proceeding in regard to said road intending to appeal herefrom, but the Court being of opinion that these persons are not entitled to such suspension ^{upon the grounds here claimed}, and that the work on said road should proceed, refused to make such suspension.

To L. Tidemore & als

Order No 2.

Frank's Road

Enter this order.

J. W. Orr
Nov 28th 1893.

Virginia.

At a County Court Continued and held for Lee County at the Court house thereof on Saturday the 22nd day of July 1893.

The matter of the establishment and Construction of a wagon road from Jonesville to some Station on the L. & N. Rail Road came on again to be further heard upon the report and supplemental report of J. A. G. Hyatt, A. M. Goins and J. O. Gibson Viewers, filed May 6th 1892, and May 17th 1893, respectively, and the plats and diagrams "A" & "B" filed therewith, and the evidence heard at the last term, and upon the report of C. C. Blankenship, J. N. Bridlin, W. C. Isely & E. S. Woodward, Commissioners, filed July 4th 1893, and said reports being unexcepted, ^{to} and it appearing to the Court from said reports, and the evidence heard, that said road, if established and made, will be a public convenience, and it further appearing from said reports, and the evidence, that the Elliott Survey is preferable to the Nickels Survey as an entirety and that said Viewers have adopted the present road from Jonesville to the point X on plat "A", being a point in said road at or near the foot of Chestnut Ridge, and recommend the Construction of a new road from this point to John Pennington's near Crank's Station on said Rail Road, and then adopt the present road from said Pennington's a short distance, to said Station. It is therefore

Considered by the Court that said proposed ^{new} road
be and is hereby established, thirty feet wide,
as located by said Viewers on the Nickels Survey
from the point "X," in said Survey, to the top of
Chestnut ridge, and thence with the Elliott Sur-
vey to where the same intersects the Nickels Sur-
vey at Station 12 on Poor Valley Ridge, and ~~thence~~
with the said Nickels Survey to John Pennington's,
and the said reports, plats &c of said Viewers and
~~report of said~~ Commissioners are, in this respect, and to this extent
confirmed, and the said report of C. C. Blankenship
& others, Commissioners, is also confirmed in the
ascertainment and assessment of damages
to the land owners along the route hereby estab-
lished. And the Court being of opinion that by
the use of a reasonable amount of labor by
Overseers of roads and their hands, in the vicinity
of said new road, that the amount necessary
to be expended, in money, by the County, in com-
pleting the construction of the same, can probably be
reduced to \$1200⁰⁰. It is therefore further ordered,
subject however to the action of the Board of
Supervisors of this County, that the sum of
\$1200⁰⁰, or so much thereof as may be necessary,
be expended in making and opening said road,
and that the sum of \$585⁰⁰ be paid to the land
owners as reported by said Commissioners, and
that these sums be certified to said Board for

their determination as to the propriety of such ex-
penditure. And until the action of said Board in
regard thereto is certified to this Court the Cause is
Continued.

Done at New York

or after 4C

Road to Crauks.

Order.

Enter this order.

J. W. Orr.
July 22nd 1873

Virginia: At a Circuit Court Continued and held for Lee County at the Court House thereof on Saturday the 18th Novr 1893.

B. F. Shumet et al Appellants

vs

Jefferson Cunningham et al Appellees } An and
from an order of the County Court establishing a new road and assigning hands to work thereon, entered Octo. 23rd 1893.

This day came the parties by their attorneys, and the Appellants moved the Court to reverse the said order of the 23rd Octo. 1893 and was argued by Counsel, and it appearing to the Court from an inspection of the said record submitted, that there was pending an appeal from the Board of Supervisors of the 7th October 1893 allowing the money necessary to pay the land owners the damages assessed, which appeal the County Court failed to consider and dispose of before entering the order appealed from in the Case. It seems to the Court here, that the Court should dispose of the appeal from the Board of

Supervisors, before disposing of the
road Case. It is therefore con-
sidered by the Court, that the said
Order of the County Court be an-
nulled and the Cause remanded
to the County Court, with directions
to dispose of the Appeal from the
Board of Supervisors aforesaid before
proceeding to pass upon the road
Case, and that the Appellants
recover against the appellers their
costs in this behalf expended, and
the same is ordered to be certifi-
ed back to the County Court

A Copy

Teste J. A. Hyatt &c

New Road from
Jonsville to Grants
Order Civil Court

Virginia: At a County Court Continued and held
for Lu County at the Court house thereof, on
Friday, October 11th 1889.

It is ordered that A. L. Pridemore, M. D.
Richmond, J. D. Orr, H. C. Joslyn and J. A. A.
Hyatt, who have power to associate with
them one or more competent Engineers, be
and are hereby appointed viewers to view,
and locate, a new road from Joursville to
the nearest Depot on the L. & N. Rail
Road (near E. M. Cummings' Store, said
road to be 30 feet in width and
dug and cleared 18 feet wide and
not over 4 degrees in elevation and
they are required to report to Court
according to Law.

23
A copy List

Virginia: At a County Court Continued and held
for Lu County at the Court house thereof on
Thursday, December 4th 1890.

It appearing to the Court that an Order
was entered at the last October term
of this Court 1889 appointing A. L.
Pridemore, M. D. Richmond, J. D.
Orr, H. C. Joslyn and J. A. A. Hyatt

viewers to view and locate a new road from Joursville to the nearest depot on the L. & N. Rail Road, and that since said order, and before said viewers had acted M. D. Richmond departed this life and James M. Orr became Judge of this Court and therefore can not act. It is ordered that A. M. Louis & James O. Gibson be and are hereby appointed viewers in the room and stead of said Richmond & Orr, who together with the other three viewers will perform and discharge the duties required by said Order entered at the said October term of this Court

A copy - Test -

Jonesville & Grants Road

Grants 1889-90

The matter of the construction of a new road from Independence to some station on the L. & N. R. R., and again to be further heard upon the reports of J. H. Lyatt, J. D. Farnsworth, C. Spilman themselves and the two juries all having been duly summoned to open cause against the establishment of said road ~~and to establish a station on said R. R. Road,~~ when one of the parties requested an adjournment, whereupon said court adjourned to the 10th day of July, and the court proceeded to hear evidence as to the propriety or impropriety of establishing said road, when one of the parties of said routes, and the said land owners ~~appeared~~ ^{appeared} and claimed damages as follows:

C. S. Hamilton \$2000 - if the road should be established, but nothing if the R.R. should be established.
J. H. Russell \$500 - for the right of way but nothing for the right of way, Susan & John Hamilton \$50 - on the right of way, unless a charge was made as to give them access to water in that event \$25 each, and the right of way \$25 each, and the right of way \$25 each, both parties claiming no damages, and the court after hearing such evidence, as was produced, being unable to satisfactorily determine whether or not said road should be established on either of said routes, owing to the evidence ~~not~~ ^{being} sufficiently clear as to the probable ~~benefit~~ ^{cost} of making & opening said road, and the ~~amount~~ ^{amount} of damages claimed by the land owners, do hereby order that H. B. Nelson, C. C. Blankenship, D. T. E. S. Woodward, C. C. Elliott & J. K. Grubbs, five disinterested free holders of the county, be and they are hereby appointed commissioners for the purpose of ascertaining a just compensation for the land ^{of the} owners of each of said land owners, who claim damages to be paid for said road. Said commissioners shall meet on the 10th day of July 1890, and perform their duties as such commissioners according to Section 956 of the Code of the edition of 1887, and shall

their action to this Court at some future term.
 according to law, and to assist the Court in
 further determining this matter they will
 estimate as nearly as they can, & report the
 probable cost of constructing said road on
 each of said routes, in order that the Court
 be enabled to select the route by a more informed
 choice.

Charles C. Boardman

Archer

E. S. Woodward

C. C. Boardman

E. B. Corbridge

J. H. Boardman

J. H. Boardman

Charles C. Boardman

Charles C. Boardman

Virginia:

At a county Court begun and held
for Lee County at the Court-house thereof
on Monday April 17th 1893.

J. A. G. Hyatt, A. M. Joins & J. O. Gibson
viewers appointed to view a
location for a new road from
Jonesville to some Station on
the L. & N. R. R. line, having filed a
report of a location made by them
to Leanders ~~Top~~ Station and only
one route being embraced in
said report & others being sug-
gested: It is ordered that said
report be and is hereby re-
committed to said viewers
with instructions to view and
report upon any other route
that they may deem practicable
or that may be suggested

Copy of
Order

4/2 50
11-50
25-00
25-00
7-12
180-00

Virginia:

At a meeting of the Board of Supervisors of Lee County, at the Court House thereof, on Saturday, the 7th day of October, 1893.

Present: H. C. T. Richmond, Chairman, John T. Hughes, A. Augener and John M. Smith.

The Board having met for the purpose, proceeded to determine by a recorded vote, whether the expenditure asked for by the County Court of this County to construct a new wagon road from the present road on the South side and at the foot of Chestnut ridge to Cranks, now Coonita, a Station on the L. and N. R. R. is deemed proper. And thereupon, A. L. Bidemore appeared and contested the matter of making said expenditure and on a hearing and due consideration, H. C. T. Richmond and A. A. Augener voted in favor of the expenditure of \$585⁰⁰, part of the said sum asked for ^{being the} ~~and~~ amount sufficient to pay the amount of damages allowed the several land owners along the route of said new road by said Court to be paid when said road is made, and John M. Smith and John T. Hughes voted against said expenditure. Which said action of this Board is ordered to be certified to the said County Court by the clerk of this Board. And the said Bidemore thereupon appealed from the said action of this Board to the County Court.

A copy

Test: - J. R. Gibson Secy. for
S. V. F. Richmond clerk.

Supervisors
To } Certified Order

County Court

Louisville & Decatur Road

- 41

Oct. 11th 1873.

Jonesville, Va., 1893.

The Board of Supervisors of this County, at its meeting held the 7th day of October 1893, having taken action upon the request of this Court, to make an expenditure for the purchase of making and opening the new road lately established from the foot of Chestnut Ridge to Crank's new Occoquia, and to pay the damages assessed to the land owners along said road, and whereat one half of the members of said Board present, evenly in favor of the expenditure of \$585.00, the amount necessary to pay the damages to said land owners, and so recorded their votes. It is therefore ordered that said road be made & opened 16 feet wide as heretofore established, and that said sum of \$585.00 be paid to said land owners in liquidation of the damages heretofore assessed in their favor, by the Commissioners & Confirmed by this Court. And Pennington & Brad A. B. F. McElroy having bound themselves in writing to make so much of said road as lies north of the top of Poor Valley ridge, it is ordered that Jeff Pennington be and is hereby appointed Superintendent of that part of the work and C. C. Blankenship is appointed Superintendent of that part of the work from the top of Poor Valley ridge Southward to Latham Hamblens and M. C. Miles is appointed Superintendent of the residue of said work. And the following Overseers of roads with their bids of hands are assigned

To the said Jeff Pennington to aid in said work, to wit -
John Pennington, Jeff Pennington and W. M. Hoe and Ben. Carroll.

And the following Overseers of roads with their
lists of hands are assigned to said Blankenship to aid
in said work, to wit, H. B. Graham, Pat. Orr, Frank Lanningham,
Peter West, Samuel Boley, George M. Blankenship, Elisha Sprinkle, Joseph D.
Greenow, Solomon Shurrer,

And the following Overseers of roads with their lists of
hands are assigned to said Miles to aid in said work
to wit Joseph Harris, Isaac Fleener, Daniel Byington, L. L.
Booth, James W. Pate, Ephraim Stearns, W. S. Martin, M. L. Miles
acting Overseer of the Jonesville Precinct of road.

Each of said Overseers with their hands to work
not exceeding five days during the year on said road
be it remembered that upon the hearing of this matter
at the Court of the County of Jones, Ga. in and
for the County of the said County, the action proposed by the said Overseers
and the petition of the said Overseers and the bills of exception
which were signed and sealed by the Court
and made a part of the record in this cause.

Butler
J. M. Orr
Oct 23rd 1893.

Oct 1893

Order.

Read to Court

And on motion of the said Contestants who suggest
that they mean to appeal herefrom to the Circuit
Court of this County, it is ordered that the execution
of the foregoing order be and is hereby suspended
for twenty days, upon their executing bond
before the Clerk of this Court in the sum of Fifty
dollars conditioned according to law.

On the ~~motion~~^{orders} of the
County Court for a
new road from Jonesville
Lee County Va to Oronota
formerly Crunk in said County.

Be it
remembered upon the Calling of this
Cause, and after the Court had
entered the order in said Cause at
a former day of this term, to
wit on Nov. 27. 1893, - L. C. Roop one
the overseers assigned by said order
and the following persons on his
list of hands,

~~S. H. Bowlin and other~~

S. H. Bowlin an other one of said
overseers and the following persons
on his list of hands J. W. Bolen
Silas Baumgardner James Baumgardner
Job. Osborn James Osborne Isaac Walver,

and the following persons on the
list of Mr. C. Miles acting over-
seer of the Jonesville precinct assigned
in said order. Samuel Henderson, Mr. H.
Crockett, ~~Hagan Priemore~~

~~James H. Bolen and his list of hands
John H. Bolen and his list of hands
John H. Bolen and his list of hands
John H. Bolen and his list of hands~~

appeared in open Court ^{by counsel} and moved
said Court, to set aside the former
order made at this term of the
Court assigning said overseer and
hands among others to work on said
new road so called from Jonesville
Va to Cranks now Occovesta

- 1 Because the order being made on the
motion of the Court and said
persons assigned to labor on the same
by the Court, the validity of the order
and proceeding, establishing said
road becomes matters of judicial
enquiry for action & decision and
said Court can not try the same
the order being that of the Court
- 2 Because as they allege and offer to prove
there is now a road from Jonesville
Va to Occovesta, in daily use and
has been for years, and that said
so called new road is only an
alteration or change in an old or
already existing road and the change
is only by said Cognizable by the
district road board & not by the
County Court.
- 3 Because the Board of Supervisors of
Lee County, did not pass on the
former order of this Court making

allowance and appropriating the sum
of \$585.⁰⁰ by a recorded vote, nor was
the city for the Commonwealth pres-
ent, at the meeting making said
allowance by the order thereof to wit
"At a meeting" (here insert the order)
and further because the order does
not show the names nor amounts
due to each person but allows
the same in the aggregate. But the
Court over ruled said motion ^{being of opinion that no sufficient grounds were shown in support of the same}
~~refused to allow said persons to~~
~~appear & defend the opening of~~
~~said road, to which action of~~
the Court the ^{said persons} ~~objection~~ except, and
pray that their exceptions be signed
sealed & made a part of the re-
cord which is done.

James W. Orr. (20)

Bill of exceptions
No 3.

Cranky Road Case.

To the Hon. J. W. Orr Judge of
Lee County Court,

Your undersigned
viewers of Public Road from
Jonesville to Some Station
on L. & F. R. R.

In obedience to your
order of day of 1890,

Respectfully report, that
we, endeavored to find a route
leaving Jonesville at the C. O.,
due North but found such
route impracticable we
then had a route surveyed
as laid down by the accompany-
ing plat, which fully explains
the best and shortest route for
a highway to the nearest R.
R. Station on the L & F. R. R.
from Jonesville, the route
as laid down will pass
through the lands of A. L. Tidmore
Leach & Richards Sam Ward prop-
erty, H. Le. Joslyn. H. J. Morgans
Delake⁽¹⁾ & Susan Hamblins, — Woodward
Chas. S. Hamblins, George W. Fries,
& John Pumpston, But we
suggest, as on leaving Jonesville
said location pass through

at F. L. Pridemore's barn lot, and
orchard, and through orchard
lands of Banks & Richmond
that the road should keep
in and near the present Road
was leading from Jonesville
by Banks & Dugan, up the
branch and on to base
of Chestnut Ridge, where it
should then be constructed on
the route as laid down by
the survey hereto attached,
commencing at the point
marked X on the diagram
and thence to branch station
of said R. Road,

By adopting the present ~~location~~
~~location~~ to foot of Chestnut
Ridge, and there being about
one half mile near the Station
already constructed, there
would only remain of
new road to be made, about
3 miles, on this route, no
yard, garden or orchard will be
taken, we think this road a
public necessity and should
be constructed as soon as
possible, the report of Survey

and plat by L. A. Nichols
and there with filed marked
"A" which is prayed to be
considered as part of this
report, none of the land
owners on the route will
likely claim damage except
Chas. S. Hamblen. From
the said point X, the location
passes through the lands of Samuel
+ Labie Hamblen, Angeline Woodward
Chas. S. Hamblen, George W. Russell
and John Remington, and slightly
over a sharp corner of Wright
Stickley and through a small
lot belonging to Ambros Eagle.

And since writing the above
we had ~~any~~ other route sur-
veyed but found it impracticable
however see herewith file his
report marked "B" and
we further find the land
owners claim damage but
fail to give us the amounts
claimed by them and your
viewers are of opinion
that the following amounts
would be a just compensation
to the various land owners.

wit: - James + Elbert Hamblen \$20.00
 Ambrose Eagle 30.00
 Wright Stickley (if claimed) 15.00
 Archeline Woodward 35.00
 Champ T. Hamblin 300.00
 George W. Russell who says 50.00
 \$440.00

Pennington claims nothing
 and propose to construct
 such road free up to the
 top of Poor Valley Ridge
 all of which is respectfully
 submitted.

Jan 15 1892 J. A. G. Hyatt
 H. M. Gains

J. A. G. Hyatt \$3.00
 H. M. Gains 5.00

1892 Jan 14.

This report is excepted to
 1st Because J. O. Gibson one of the Comrs
 at the time of his appointment was not
 a free holder.

2. Because it is a change
 and alteration in an old
 and existing road, and the
 Court has no jurisdiction
 It belongs to the road
 board under its special
 act.

3rd Because the Comrs
 did not apply to and
 ascertain what damage
 the land owners claim
 and put that down in
 their report.

4th Because there is no
 diagram of the acre to
 be taken by the Comrs
 up to the foot of Chest-
 nut ridge from Jones-
 ville, but the diagram
 filed is upon a differ-
 ent one.

A. L. Dickerson
 atty for Champ & Hamblin
 D.S. & C. Hamblin

Robert of
 Road board
 Filed March 1892
 J. O. Gibson
 1892 Jan 14

To the Hon. J. W. Orr Judge of
the County Court for Lee County;

Your undersigned road viewers
whose report filed May 6th 1892, was
by an order of Your Honor's court
entered at April Term 1893, recom-
mitted to them said report
and, by said order we were
directed to report on other routes
suggested &c - In obedience to said
instructions we respectfully report
that, before making our first
report, we surveyed and viewed
two other routes, one leading
from Jarrsville at the Court
house due north, but found
said route impracticable alto-
gether, the other route, is fully
laid out as shown by Surveyor's
report herewith filed marked "B",
which embraces diagram, and
begins on former diagram at
5 on top of Chestnut Ridge, thence
as laid down passing Champ
Hanklin's dwelling house,
and after passing through the
lands of George Russell again
connects with Nickles Survey

and the same does not pass through any
yard, garden nor orchard,

at Station 12, on the South side
of Roan valley Ridge, thence with
Nickles Survey to Crank Station.

We omitted reporting this
route heretofore because we
considered the Nickles Survey
the best, nearest and most
practicable route. A road
can be made on this route
on the grade as laid down, with
less objection by land owners
than any other route.

The land owners claim
on account of damage on this
route would be as follows

Swan & Blake Hamblin	\$15.00
Ambrase Eagle	25.00
Wright Stickley	15.00
Angelina Woodward	25.00
Chambers Hamblin	nothing
Geo. W. Russell	125.00
Total	\$205.

We here reiterate all things
necessary to this report, stated
in our former report, and
make it part of this report.

Respectfully submitted

viewers

J. H. Hyatt
J. O. Gibson.
A. M. Jones

J. A. Watt & others
Supplement
Report

Filed May 17th 1893.
J. R. Gilson C.S.

Virginia Lee County Court.

I.

a Justice

for the said County do Certify, that
H. C. Forsgren has this day made
Oath before me, that he will faith-
fully and impartially ascertain what
will be a just compensation for such
of the land of the freehold whereof
C. T. Hambleton, C. W. Russell, Blake & Swan
Hambleton, A. Eagle, Angeline Woodward
Wright Stickley & others, are tenants
& owners, as is proposed to be
taken by the County of Lee for
its purposes, and will truly Certify
the same.

Given under my hand this 3^d
day of July 1893.

C. C. Blankenship J. P.

Lee County
vs 3 Oath of
Commissioner
G. I. Hamblen et al

J. P. Lee 25th Feb

Virginia Lee County To-wit.

J. Henry C. Foslyn a Justice for the
said County. do Certify. That C. C.
Blankenship. E. S. Woodward. ~~C. C.~~
~~Blankenship~~ and J. N. Bridlin. have this
day made oath before me. that they
will faithfully and impartially ascertain
what will be a just Compensation for
such of the land of the freehold whereof
C. T. Hamblen. C. W. Russell. Blake &
Siron Hamblen. A. Eagle. Angeline
Woodward. Wright Stickley & others
are tenants & owners. as is proposed
to be taken by the County of Lee
for its purposes. and will truly
Certify the same.

Given under my hand this 3^d.
day of July 1893.

H. C. Foslyn J. P.

Lee County
vs. } Oath of
Commissioners
C. J. Hamblen et al

J. P. Aug. 75. ct

Jonesville Lee Co Va July 4th 1893.

To the Hon J. W. Orr

Judge of the County Court.

We C. C. Blankenship and E. S. Woodward
J. M. Bridgman and H. C. Foslyn, having
been appointed by the County Court of
Lee County by its order of the 20th
day of June 1893, to ascertain what will
be a just Compensation for such part
of the land of the freehold whereof C. T.
Hambler, S. W. Russell, Blake & Susan
Hambler, Ambrose Eagle, Angelina
Woodward and Wright Stickley are tenant
and owners as is proposed to be taken
by the County of Lee for its purpose,
do Certify, that on the 3^d day of July
1893. the ^{four} Designated in said order. We
met together on the said part of the land
the limits of which part were then and
then shown and described to us as
follows. 30 feet wide Through a certain
portion of the land of each person named
length best known by us. And after being
first duly sworn. upon a view of the

port aforesaid. and upon such evidence
as was before us. We are of opinion
and do ascertain that for the said pat
and for damages to the residue of the
tract. beyond the peculiar benefits to be
derived in respect to such residue from
the work to be constructed \$1200.⁰⁰ will
be a just Compensation to C. F. Hearnshen
✓ \$412.⁵⁰ will be a just Compensation to
S. W. Russell, \$15.⁰⁰ will be a just
Compensation to Blake & Swoon Hearnshen
\$25.⁰⁰ will be a just Compensation to
Imbrose Eagle, \$25.⁰⁰ will be a just
Compensation to Angeline Woodward
and that \$7.⁵⁰ will be a just Compensation
to Wright Stickley. We also recommend
the adoption of the route known as
the Elliott Survey should your Honor
conclude to order the building of the road,
and recommend the following changes.
Where the road leaves the main road
in front of Angeline Woodwards. That the
new road commence on the south side
of main road above a lumber pile

and Crossing The Small field of Blake
& Swon Hamblen a few rods from where
it enters said field, then Crossing The
Main road in front of the old Cabin
where Summit Eagle used to live, then
on to the line as Surveyed. This Change
would necessitate a small fill or
a bridge. but would shorten the route
considerably and would not touch
the land of Ambrose Eagle, and in
our opinion the amount saved in
damages would pay for either
the bridge or fill. We also recommend
a change a little North west from the
residence of C. T. Hamblen and run
the road through below a bluff at
the South of where the old Hamblen
House stands. thereby Cutting off a very
bad hill and saving considerable
distance and Crossing the Sugar Run
road onto the Survey in a nearly straight
line. We will here state that on the
Survey we have adopted as the best
and most available one C. T. Hamblen

asks no damages and in allowing the change spoken of he shows a spirit of liberality and patriotism. In adopting the Elliott Survey Mr Hamblen asks no damages. So the \$1200.⁰⁰ reported will not be taken into consideration but all the rest reported on on that route and of course must be considered. In regard to the cost of constructing the said road there was considerable difference in the opinion of the Comrs but we finally have come to the conclusion that the road can be made road bed 16 feet wide and and cleared and made safe 30 feet, that is a thirty foot road with a 16 foot road bed for the sum of \$2425.⁰⁰ and in figuring on the Nickel Survey besides the additional amount of damages the costs of construction on that route in our opinion would be considerable more than on the Elliott survey besides - we are of the opinion that

the Ellliatt Survey is the one on which the best road could be made at the least price in money. Hence we recommend the adoption of that route if any is adopted.

Having fully complied with the requirements of your honour's order we respectfully submit this our report for your consideration

C. C. Blankenship

J. N. Cridlin

H. C. Joslyn

E. S. Woodward

Commissioners

Bill of Costs.

J. N. Cridlin	2 days	4.00
E. S. Woodward	2 -	4.00
C. C. Blankenship	2 -	4.00
C. C. Blankenship	J. R. Alden's bath	25-
H. C. Joslyn	2 days	4.00
H. C. Joslyn	J. R. Alden's 3 baths	75-
		<u>\$17.00</u>

Jonesville
to } Commissioners
Report.
Cranks

C. C. Blankenship

E. S. Woodward

J. M. Bridgman &

H. C. Jolly

Board

Recd July 4th 1843

J. W. Richmond

Clerk

We the undersigned citizens of Lee County
 Virginia, bind ourselves to pay the sums
 opposite our names, respectively, for the
 purpose of constructing a road lately estab-
 lished from the present road on the south
 side of Chestnut Ridge to Cranks, near
 Ocoonita, a Station on the L. & N. Rail Road.
 Said sums to be expended on that part of
 said road south of the top of Poor Valley Ridge.
 It being understood that other citizens have
 bound themselves to construct that part of
 said road lying north of the top of said
 ridge. Given under our hands, Sept 18th 1893.

C. H. Russell	\$10.00	
James G. Brooming	10 days	
C. S. Duncan	\$5.00	in work.
J. O. Gibson	\$15.00	
A. G. Hyatt	(10) days	work
Wes Brown	\$1.00	
James Remington	5 days	in work
B. F. Gause	\$1.00	
L. P. Hyatt	1.00	
W. A. Baker	1.00	

One of the things that
is at issue. This road
is to prevent -

Road Subscription

Lt N. R. R. Yary
for Road
\$869.30

We the undersigned Citizens of Lee County Va.
feeling an interest in the construction of
the road lately established from the road on
the South side of Chestnut ridge to Crauks,
^{near Decumita,}
a Station on the L. & N. Rail Road, hereby
agree and bind ourselves to make and
construct so much of said road as extends
from the top of Poor Valley Ridge southward
to said Station, Given under our hands
this the 1st day of August 1893.

Plumington Bros
A. B. F. M. & E. Gray

Jeff Pennington & others
Obligation to build
Road &c.

To D. W. F. Richmond, Clerk to the Board
of Supervisors of Lee County, Virginia: -

You are hereby directed to summon
the members of the Board of Supervisors
to meet at the Court House of Lee
County, Va on the 7th day of
October, 1893. This Sept. 26th 1893.

John Bailey
J. S. Ingram
per Wm. G. Ott
Supervisor

Oct. 26. 93

Mr W. A. ^{and} ~~and~~ ^{for}uswill La

Dear Sir

In reply of your
Letter to day of the meeting
of the Board I will say that
you can't sign my name
to any thing that is a
Benefit to the county so
you can't have a call session.
The 7th of october. 1893
Yours Friend
S. S. Insinger

Learn Bailey et al, Supers
vs A Ball
elk lev. court

Oct-7/15 / 1893.

To Jefferson Drummond &
J. H. Orr Judge of the Co. of Ga

Whereas, in the case of said
of the County of this county ^{orders made}
~~by said court on Oct 11th 1889 & Dec 4th 1890 appointing~~
~~viewers for a new road from the~~

town of Lawrence to some point
to wit ~~on the L & N. R. R.~~
near C. M. Drummond's residence

there are clerical errors in the
record of said ^{case} ~~your application~~
and also errors of fact for which
judgment ~~has~~ ^{has} been returned
establishing said road ought to be
reversed and corrected. The

clerical errors complained of
are these that the orders ~~of~~
of Oct 11th 1889 and Dec 4th 1890
directing a view of your pro-
posed road does not cite as

it should cite that the viewers
thus appointed to view your road
were resident freeholders
of this county; the error
of fact complained of is

this: the ~~that~~ viewers, to wit
A. M. Goins and J. A. Gibson
at the time of their appointment
to view said road were not resi-
dent freeholders of this county

83447

4 min 946.

6. A. & T. Z. p. 812-2

8945

as by law they were required to
be. You will therefore take
notice that on the 22nd day of
November 1873, the undersigned
will move the County Court of
at the Court House of said County
said County, wherein is pending
your cause, to correct said clerical
error and to reverse said judgment
of July 1873 establishing said road.

Yours respectfully

B. A. Emsd,

Attorney General

for same

This Nov. 22nd 1873 }

R. F. Linnell et al

vs } Notice to Correct
Indigment

J. W. Orr Judge &
J. F. Pennington et al

Executed

Nov. 22. 1853

By delivering a

True copy of the
within notice to
J. W. Orr. Judge &

C. E. Flanagan S. T. C.

We the undersigned citizens of Rose
Hill Magisterial District Lee County
Virginia, do most urgently & respectfully
ask the Honorable County Court of Lee
County to locate & have built from the
depot at Cranks to Jonesville a good
County road on a good grade. Cranks
is the nearest depot established (or likely
to be established) to the County site, &
we people of the lower end of the County
are put at great disadvantage in
reaching the Court House. This is an
enterprise in which the people of
both ends of the County are deeply
interested, & we sincerely trust your
Honor will push this matter through.
The cost is a small matter to the
people of this great County.

Respectfully,
Name

Names
J. A. Hyatt
L. A. Russell
H. O. Ballou

Wm. H. Kins
A. J. Swong

H. G. Colson -

J. G. Nevskine

Geo A. Taylor

Geo H. Turner

J. L. B. Robinson

Thos. L. L. L.

E. H. Wash. J. P. & P. Mill

N. D. Jennings

of the same

Samuel Taylor

James P. Rine

Ch. L. Libbey Jr.

J. S. Thompson

B. L. Brooks

B. H. Tabor

L. C. Boston.

S. L. Kneass

C. F. Hamilton

[Faint handwritten notes at the bottom of the page]

John M. Mason

2. Chlorine

Isaac Thompson

D H Russell

W. B. M. S. P.

A. L. Burgin

H. B. Grahame

R. H. B. Howard

W. A. R. 1872

15. 2. 1880

Michael Tward

W. J. Burdett

Lo. to Bell

13. Ex.

Rev. W. E. Hunt

Henry Beaulieu

J. G. Russell

To W. C. Leboy
W. H. Beatty

Patience of
Leitigens

To J. W. J. Judge of Little Rock

Whereas in the cause of the Court of this County
vs B. T. Smead ^{ordinance} ~~of al~~ on an ^{application} ~~by the court on Oct 11th 1889 and Dec 4th 1890~~ appointing viewers
for a new road from the town of Jewetts to
some point to wit ~~Cranko~~ on the L & N R R
near E. M. ^{Drummonds residence}
there are clerical errors in the record of ~~your~~
^{said cause} ~~application~~ and also errors of fact for which
judgment heretofore entered establishing said
road ought to be reversed & corrected. The
clerical errors complained of are those that
the orders of Oct. 11th 1889 & Dec 4th 1890 di-
recting a view of your proposed road does
not cite as it should cite that the viewers
then appointed to view ^{said} ~~your~~ road were
resident freeholders of this county, the error
of fact complained of is this the viewers, to wit
A. M. Goris & J. O. Gibson at the time
of their appointment to view said road
were not resident free-holders of this
County as by law they were required to be.
You will therefore take notice that on
the 27th day of November 1893, the undersigned
will remove the County Court of said
County wherein is pending ^{said} ~~your~~ cause to
correct said clerical error & to reverse said
judgment of July 1893 establishing said road.

This Nov. 22^d 1893.

B. F. Smead
D. C. Sewell
by Comstock

B. F. Lucas et al

vs } notice to
correct judgment

J. W. Orr Judge

1	D. B. S.	A. L. P. M. M. M.
2	D. H. M. M. M. M.	Charles N. M. M.
3	R. M. S. M. M.	A. M. M. M.
4	G. A. M. M.	J. H. C. M.
5	E. C. M. M.	Thos. W. M. M.
6	G. M. M. M.	John P. M. M. Treas.
7	M. M. M. M.	R. S. M. M.
8		W. R. M. M.
9	L. M. M. M.	John B. M. M.
10	George M. M.	Geo. B. M. M.
11	H. S. M. M.	W. C. M. M.
12	John W. M. M.	
13	M. S. M. M. + B. H.	
14	A. S. M. M.	
15	L. M. M. M.	
16	G. M. M. M.	
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1 To The Honorable The Board of Su-
2 pervisors of Lee County:

3 The undersigned Citizens of Jones-
4 ville and vicinity respectfully solicit
5 your Honorable body to aid them
6 in the opening and repairing of a
7 good county road from Jones-
8 ville via Ben Hur to Pennington's
9 Gap, This being in their judgement
10 the most practical way for the
11 Public to and from the railroad.
12 They moreover believe this to be
13 the best and cheapest route.

14 Name	14 Name
15 Wm F. Dryden	L. J. Hyatt
16 Jm M. Morgan	W. B. Jordan
17 D. C. Sewell	W. B. Brownell
18 France Miles	A. Talley
19 J. D. Crockett	H. O. Ballou,
20 S. A. Henderson	C. P. Brown
21 John T. West	E. Brown
22 M. D. Buchanan	John Henderson
23 Wm. L. Luman	C. L. Russell
24 E. J. L. Luman	O. M. Luman
25 J. L. Luman	W. L. Luman
26 E. L. Luman	W. L. Luman
27 W. L. Luman	W. L. Luman
28 E. L. Luman	J. L. Luman
29 J. L. Luman	Alf. Williams
30 H. L. Luman	Frank Davis
31 Wm. R. Luman	W. L. Luman
32 H. L. Luman	W. L. Luman
David Luman	Lon Luman

1		Wm. Moore
2	H. S. Hamlin	Alfred M. Mearns
3	Robt. A. Huntington	G. C. Tennyson
4	John	H. C. Jackson
5	Edmund	C. B. Farnsworth
6	A. L. Russell	J. A. Mearns
7	W. B. Smith	Alfred Mearns
8	L. A. Ellison	S. C. Mearns
9	John P. Thompson	Emory D. Jones
10	Geo. A. Collins	O. L. Lee
11	John Roberts	Samuel Pollock
12	John H. Mearns	Alfred Mearns
13	Joseph A. Mearns	Joseph Williams
14	J. A. Mearns	Robert Mearns
15	William B. Mearns	A. P. Mearns
16	A. L. Mearns	J. Mearns
17	J. H. Mearns	John Mearns
18	Thomas Mearns	John Mearns
19	Joseph Mearns	A. P. Mearns
20	J. W. Sparks	A. P. Mearns
21	L. J. Mearns	Henry J. Morgan
22	S. B. Mearns	William Lawson
23	George Mearns	A. W. Eagle
24	B. J. Mearns	Daniel Williams
25	R. L. Mearns	John Mearns
26	B. J. Mearns	Emory D. Jones
27	J. B. Mearns	B. J. Mearns
28	L. Mearns	P. Mearns
29	N. Mearns	B. J. Mearns
30	R. B. Mearns	Willis Mearns
31	A. E. Mearns	James Williams
32	Alexander Mearns	
	S. C. Mearns	
	Richard Mearns	
	N. P. Graham	

1	D. S.	A. L. Dineen
2	Dr. H. Morgan Miles	Charles N. Day
3	Reed S. Miles	W. H. Edwards
4	G. A. Jones	J. H. Carr
5	E. C. Hall	Thos. W. Tibberson
6	G. W. Eagle	John P. Graham Treas.
7	W. H. [unclear]	R. S. [unclear]
8		W. R. Loomer
9	Lind. Stewart	John B. Hygal
10	George [unclear]	Geo. E. McGinnis
11	H. J. Ferguson	W. G. Lipp
12	John W. [unclear]	
13	M. S. [unclear] + B. H.	
14	A. S. [unclear]	
15	A. L. [unclear]	
16	E. H. Marshall	
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We the undersigned citizens of Lee County Virginia favor the construction and building of a good wagon road from Ocoonita, 7th Sta Station on the L & N R.R. to Jamesville the County Seat of said County, Ocoonita being the nearest depot to Jamesville, and as there has been a large amount of "free labor" subscribed to the building of this road, we do earnestly request the Supervisors of said County to consider the importance of this road,

Names

J. S. McComick
J. D. Russell
James Edwards
J. H. Edwards
P. W. McComick
W. H. McComick
W. H. McComick
Thos. McComick
Jesse Roberts
John Roberts
Walter Roberts
George Davis
John Johnson

Names

Wm. Shaker
E. A. Anderson
Samuel McComick
John Roberts
L. E. Tipton
R. E. Tipton
J. B. Haller
Carter Roberts
L. E. Roberts
A. R. Surgen
A. P. Gibson
Lesse Osborn
L. E. Tipton

Names

J. R. Ralston
 C. B. Hill
 E. E. Willis
 G. M. Watson
 Wm J. Chandler
 James R. Willis
 James Anderson
 J. L. Glass
 G. W. Chiles
 James Vandant
 John Wabbert
 John M. Ashburn
 G. B. Waller
 W. S. Ashburn
 Wm. Hales
 Luther. north
 A. J. Larrison
 A. H. Larrison
 Wm. Larrison
 W. S. Munsy
 W. S. Livingston
 D. C. Westberry
 David Roberts
 G. J. Munsy
 J. J. Kortott
 J. H. Larrison

50

51

52

Names

George Gemmer
 Phil. Lawton
 J. C. Lambert
 E. J. Lawton
 Wm. Lawton
 J. J. Lawton
 W. P. Lawton
 B. M. Lawton
 John H. Bartholomew
 Charles E. Chute
 Otis Mascum
 J. C. Chute
 J. M. Bowman
 Jeff Remington
 Charles Remington
 David Remington
 David Roe
 Frank M. Elroy
 David M. Elroy
 Wm. M. Elroy
 Huse M. Elroy
 Wm. Roe
 Bud Orr
 Pat- Orr
 C. Y. Hamblin

Petition for
Jouesville T
O Coonita Reed

1894 Country
P. L. Country
Bon Bahin

The Commonwealth of Virginia:

To the Sheriff of Lee County, Greeting:

We command you to summon *Wright Stickley, Angeline
Woodward, C. D. Hamblen, Geo. W. Russell
Susan Hamblen & Blake Hamblen.
Ambros Eagle*

to appear before the Judge of our County Court of Lee County, at the Court-house thereof, on the

27 day of the *April*

Term next, to answer us of certain

things wheréof

~~stands indicted for~~

*why the road should
not be established as located through
their lands. by A. M. Swins, J. A. G. Hyatt
& J. O. Gibson viewers appointed to
view said route*

And have then there this writ.

WITNESS, J. R. Gibson, Clerk of our said court, at the Court-house, this *27* day of

April

, 189*3*,

in the *117* th year of the Commonwealth.

NORTON HERALD.

J. R. Gibson

, Clerk.

Road to Cranks

vs } Sums

Land Owners

3rd Day April 1883.

Executed April the 8. 1883
by delivering and of file
copy of the within return
to Angelina Woodward
C. F. Hamilton. George W.
Russell. Sumner Hamblin
Calab. Hamblin. Arthur
Eagle. & Wright. Stickley.

C. F. Hamilton. S. L. C.

The Commonwealth of Virginia:

To the Sheriff of Lee County, Greeting:

We command you to summon *Swan Hamblen, Lela Be Hamblen
Wright Stickley, Angeline Woodward, Champ F.
Hamblen, Geo. W. Russell, John Pennington
F. Ambros Eagle*

to appear before the Judge of our County Court of Lee County, at the Court-house thereof, on the

1st day of the *June* Term next, to answer us of certain

things whereof

~~stands indicated for~~

*why the road should
not be established lately located through
their lands by J. A. B. Hyatt, A. M. Gains
& J. O. Gibson viewers appointed to view
location of road from Jonesville to Cranks
Station*

And have then there this writ.

WITNESS, J. R. Gibson, Clerk of our said court, at the Court-house, this *27* day of

May

189

3

, in the *117* th year of the Commonwealth.

J. R. Gibson

, Clerk.

Summons
vs } Land Owners.
Terant & Sons

1st June Term 93
Executed Aug 1. 1843.
I, the undersigned, an
officer of the Court,
with notice to
do & take
Harrison Wright
Stirling, George
Russell, Anglin
Woodward, George
F. Hamilton, James
P. Kingston and
Ambrose Eagle
G. W. H. H. H. H. H.

The Commonwealth of Virginia,

To the Sheriff of Lee County Greeting:

We command you to summon

Isabel & Swan Hamblen
Angeline Woodward, Wright Stickley.
Ambros Eagle & S. Hamblen & Geo. W. Russett

to appear before the Judge of our County Court of Lee County, at the Court House, on

the *10* day of the *January*,

Term next, to answer us of certain things

whereof *1* stands indicted for *why the road located*

thru their lands by A. M. Swins. J. A. S.
Hyatt & J. R. Gibson the road should
And have then there this writ
not be established as located

Witness, John R. Gibson, Clerk of our said Court, at the Court House,

this *17* day of *Dec* 189*1*, in the *11*th year of the Commonwealth.

J. R. Gibson CLERK.

A copy teste: _____

Orchard
of Sumus
Land Owners
Executed by
delivering the
within sumus to
Chambers Hamlin
Salad & Swan Hamlin
Angelina Woodward
Anabos Eagle and
Right Stickley
G. W. Russell
C. E. Flannery
J. L. P.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

M. L. Miles, L. L. Blankenship
Jeff. Pennington superintendants of the
Janesville & Crank road

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the *first* Monday in *January*, 189*4*, to answer a bill in Chancery,

exhibited against

them

in our said court by

Benj. F. Sneed, R. S. Spruill

Wm. H. Spruill, S. H. Bolin, James Henderson,
John Sneed, M. B. Barnett, M. A. Forester, L. C. Roop,
J. M. Bowlin, Silas Banning, J. D. H. James, James Banning, J. D. H. James,
J. B. Osborn, James Osborn, Isaac K. Oliver, John Newberry,
J. B. Osborn, Frank Cunningham, Peter West, George M. Blankenship,
Elisha F. Spruill, Joseph D. Flemon, Solomon Spurrier, Joseph Harri-
son, Alexander, Daniel Byington, James H. Dotson, Edmund Stewart

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,

the *6th* day of *December* 189*3*, and in the *11⁸* year of
the Commonwealth.

J. A. G. Hyatt Clerk.

bond required by the order of injunction
 the required being executed, as required
 in this case, ~~in this case~~ to restrain M. C.
 the injunction therein to restrain M. C.
 Miles, C. C. Blankenship and Jeff. Pennington
 Superintendants of the Jamesville and Grand
 Island, from maintaining the claim and
 persons named in said order from working on
 said roads becomes operative, and said
 defendants are so restrained by the
 order of the Circuit Court of this State.

1st Jan'y. 1894.

Benj. Sneed et al.

VS.

SUBPENA
IN CHANCERY.

Jeff. Pennington et al.

J. B. H. Bros + Pindemonp. q.

To 1st Jan'y 1894 Rules,
Circuit Court.

Executed by delivering
 office copies of this subna
 to C. C. Blankenship and
 Jeff. Pennington on the
 6 day of December
 1893. and by delivering
 an office copy thereof
 to M. C. Miles on the
 7th day of December
 1893.

C. E. Flannery. S. L. C.

J. M. P. et al	3000
L. C. Roof	10.000
B. J. Smith	5.000
Jeremiah Doughton	3.000
W. G. Ranger	3.000
Sam. Bowles	1.000
D. C. Sewell	20.600

Came to hand
Decr 6th 1893

C. E. Flannery. S. L. C.